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THE NEW MEXICO COURTS
1990 ANNUAL REPORT

STATE OF NEW MEXICO
JUDICIAL BRANCH

Robert L. Lovato
Director

Supreme Court of New Mexico
Administrative Office of the Courts

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January 30, 1991

THE HONORABLE CHIEF JUSTICE AND
JUSTICES OF THE SUPREME COURT OF
NEW MEXICO
DISTINGUISHED MEMBERS OF THE
NEW MEXICO LEGISLATURE

In compliance with Section 34-9-3 NMSA 1978, I am pleased to submit to you this Report on "the activities of the administrative office [of the courts] and of the state of business of the courts," including statistical data concerning ". . . the business of the courts." The Report therefore presents relevant information and analysis--in text, tables and charts--with respect to the State's courts, focusing particularly on their programs and accomplishments.

This Annual Report of New Mexico's judiciary is primarily oriented to the 78th, or 1989-90, fiscal year. For example, all statistical data, both docket-related and financial, relate to this time period. However, the court narrative reports encompass some events and results through the end of calendar 1990, so that they can be as up-to-date as possible. The Report is primarily concerned with all state-funded courts, from those at the magistrate level to the Supreme Court, as well as other judicial agencies which support the judiciary.

In general, the State's judiciary continues to respond adequately to its constitutional and statutory mandates. Most cases, both at the trial and appellate levels, are being resolved in a timely, fair and professional manner. Management systems which have recently been implemented or are imminent--in such areas as accounting, personnel, automation and time standards--are expected to permit even more effective and efficient performance. These activities are discussed throughout the Report, especially in the introductory overviews and the section on the AOC. Where insufficient resources are producing problems, such as in the Court of Appeals and the Bernalillo County Metropolitan Court, relevant information and analysis are presented.

I wish to express my personal appreciation to you, the members of the Supreme Court and the Legislature, who have consistently endorsed the management and other initiatives developed and implemented in recent years under the aegis of the administrative office of the courts. Without such strong support, the accomplishments cited in this Report could not have been realized. This process of improvement in the administration of justice is not yet complete, but with your continuing assistance, the State's courts will administer justice to the people of New Mexico even more efficiently and effectively.

Respectfully submitted,

Robert L. Lovato

Robert L. Lovato,
Director

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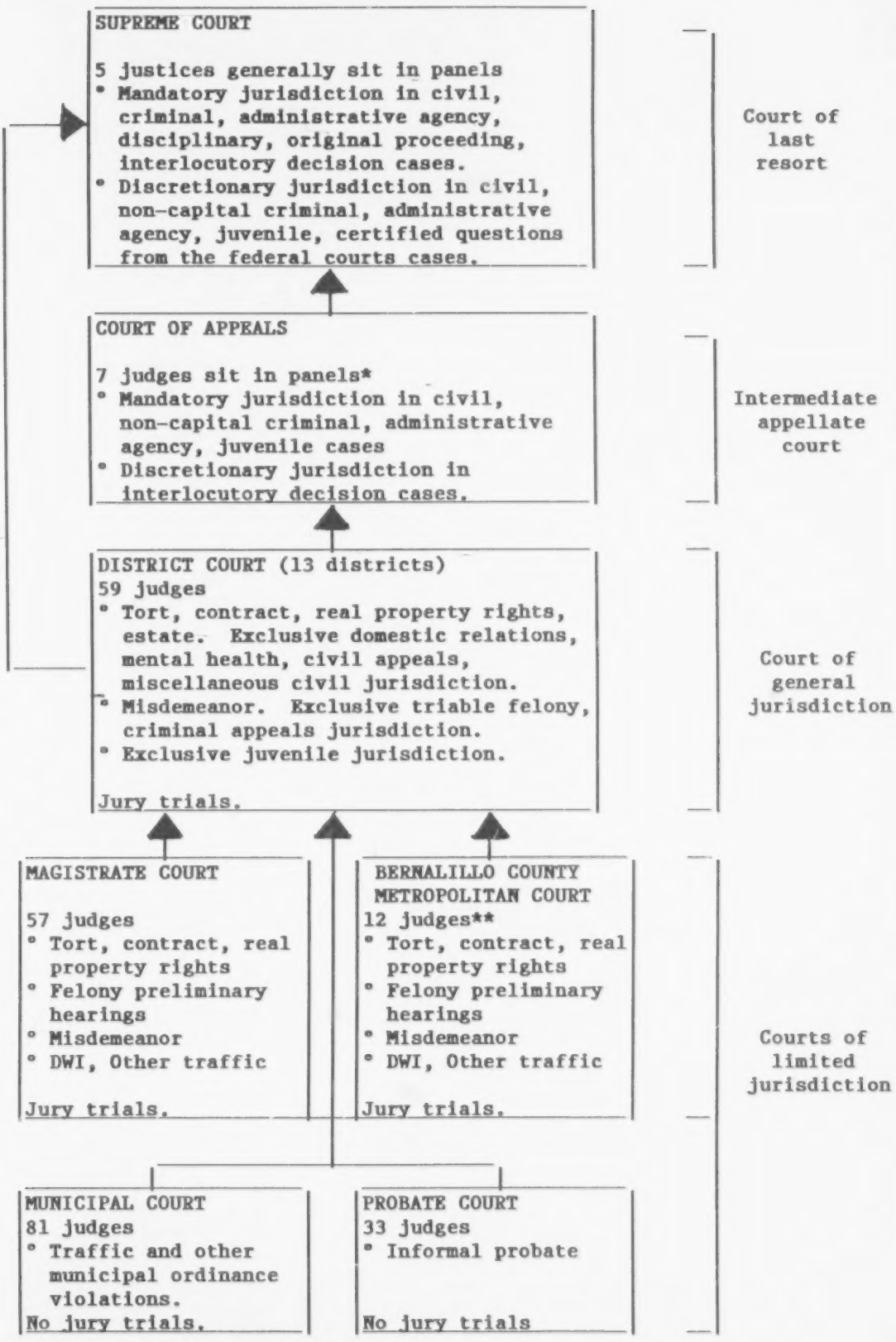
NEW MEXICO COURT SYSTEM


SUPREME COURT
5 justices generally sit in panels
° Mandatory jurisdiction in civil, criminal, administrative agency, disciplinary, original proceeding, interlocutory decision cases.
° Discretionary jurisdiction in civil, non-capital criminal, administrative agency, juvenile, certified questions from the federal courts cases.
Court of last resort
COURT OF APPEALS
7 judges sit in panels*
° Mandatory jurisdiction in civil, non-capital criminal, administrative agency, juvenile cases
° Discretionary jurisdiction in interlocutory decision cases.
Intermediate appellate court
DISTRICT COURT (13 districts)
59 judges
° Tort, contract, real property rights, estate. Exclusive domestic relations, mental health, civil appeals, miscellaneous civil jurisdiction.
° Misdemeanor. Exclusive triable felony, criminal appeals jurisdiction.
° Exclusive juvenile jurisdiction.
Jury trials.
Court of general jurisdiction
MAGISTRATE COURT
57 judges
° Tort, contract, real property rights
° Felony preliminary hearings
° Misdemeanor
° DWI, Other traffic
Jury trials.
BERNALILLO COUNTY METROPOLITAN COURT
12 judges**
° Tort, contract, real property rights
° Felony preliminary hearings
° Misdemeanor
° DWI, Other traffic
Jury trials.
Courts of limited jurisdiction
MUNICIPAL COURT
81 judges
° Traffic and other municipal ordinance violations.
No jury trials.
PROBATE COURT
33 judges
° Informal probate
No jury trials

* 10 Judges effective April 1, 1991
** 15 Judges effective January 1, 1991

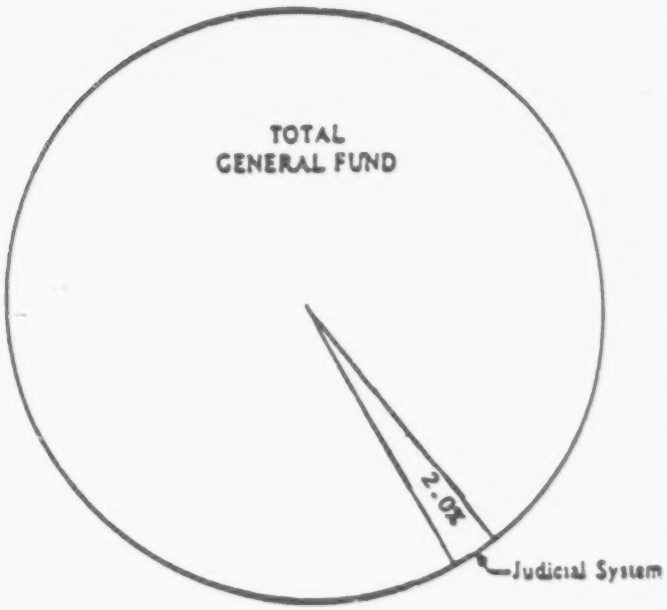
JUDICIAL SYSTEM APPROPRIATIONS
FISCAL YEAR 1990-91

TOTAL GENERAL FUND

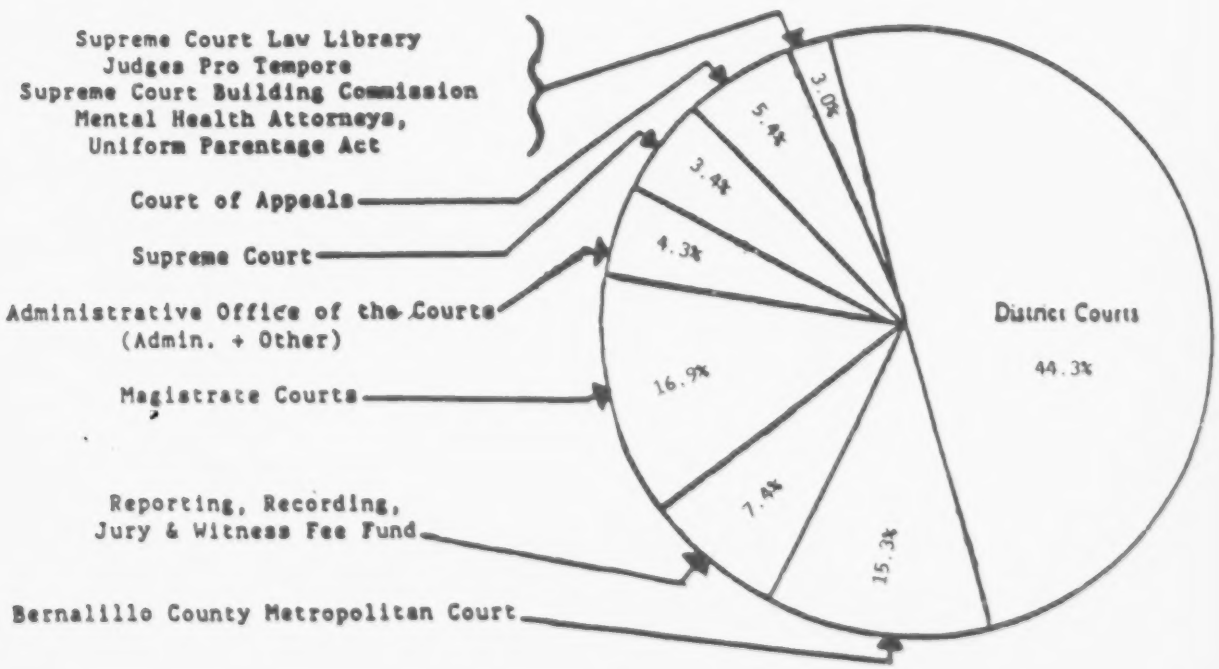
$ 1,915,200,000

JUDICIAL SYSTEM APPROPRIATIONS*

$ 38,816,300



DISTRIBUTION OF JUDICIAL APPROPRIATIONS FISCAL YEAR 1990-91



* Excludes Judicial Standards Commission and District Attorney offices.

NEW MEXICO JUDICIARY FINANCIAL SUMMARY
GENERAL FUND APPROPRIATIONS
78th, 79th and 80th Fiscal Years

Code Number	Agency	78th FY Actual	79th FY Budgeted	80th FY Requested*
205	Supreme Court Law Library	$ 458,500	$ 514,300	$ 659,400
213	Judges Pro Tempore	15,200	40,000	40,000
215	Court of Appeals	1,757,200	2,097,300	2,585,200
216	Supreme Court	1,237,200	1,302,400	1,404,400
218	Admin. Ofc. of the Courts			
	AOC Administration	1,261,500	1,342,900	1,448,400
	Magistrate Courts	5,310,200	6,558,200	7,284,200
	Other (Training, Data Proc., Court Automation)	392,900	334,000	2,816,700
	Total - AOC	6,964,600	8,235,100	11,549,300
	Compensation Package			1,138,000
219	Supreme Court Building Commission	373,600	402,100	449,700
221	Reprt., Recrd., Jury & Wit. Fee Fund	2,999,800	2,865,000	3,265,900
222	Mental Health Attorneys	239,900	200,000	519,800
223	Uniform Parentage	7,200	10,000	20,000
231	First Judicial District Court	1,351,300	1,517,000	1,644,300
232	Second Judicial District Court	5,459,300	6,123,400	7,570,500
233	Third Judicial District Court	812,900	923,600	1,052,500
234	Fourth Judicial District Court	485,500	574,700	615,900
235	Fifth Judicial District Court	1,869,100	2,067,100	2,436,500
236	Sixth Judicial District Court	623,400	688,800	732,400
237	Seventh Judicial District Court	547,400	604,900	639,300
238	Eighth Judicial District Court	536,000	603,000	635,200
239	Ninth Judicial District Court	757,300	826,300	856,200
240	Tenth Judicial District Court	315,100	349,900	377,900
241	Eleventh Judicial District Court	902,500	1,032,400	1,099,500
242	Twelfth Judicial District Court	657,700	734,100	818,000
243	Thirteenth Judicial District Court	1,059,400	1,162,900	1,269,300
	Subtotal - District Courts	18,997,400	20,685,200	25,140,900
244	Bernalillo County Metro. Court	5,097,200	5,942,000	6,886,600
	Total Judiciary	$ 34,527,300	$ 38,816,300	$ 48,265,800

* Supreme Court/AOC recommendation

NEW MEXICO JUDICIARY
GROWTH OF GENERAL FUND APPROPRIATIONS
78th, 79th and 80th Fiscal Years

Code Number	Agency	INCREASE 79th/78th	INCREASE 80th/79th
205	Supreme Court Law Library	12.2%	28.2%
213	Judges Pro Tempore	263.2%	0.0%
215	Court of Appeals	19.4%	23.3%
216	Supreme Court	5.3%	7.8%
218	Admin. Ofc. of the Courts		
	AOC Administration	6.5%	7.9%
	Magistrate Courts	23.5%	11.1%
	Other (Training, Data Proc., Ct. Automation)	(14.9%)	843.3%
	Total - AOC	18.3%	140.3%
	Compensation Package	NA*	NA*
219	Supreme Court Building Commission	7.6%	11.8%
221	Reprt., Recrd., Jury & Wit. Fee Fund	(4.5%)	14.0%
222	Mental Health Attorneys	(16.6%)	259.9%
223	Uniform Parentage	38.9%	200.0%
231	First Judicial District Court	12.3%	8.4%
232	Second Judicial District Court	12.2%	23.6%
233	Third Judicial District Court	13.6%	13.9%
234	Fourth Judicial District Court	18.4%	7.2%
235	Fifth Judicial District Court	10.6%	17.9%
236	Sixth Judicial District Court	10.5%	6.3%
237	Seventh Judicial District Court	10.5%	5.7%
238	Eighth Judicial District Court	12.5%	5.3%
239	Ninth Judicial District Court	9.1%	3.6%
240	Tenth Judicial District Court	11.1%	8.0%
241	Eleventh Judicial District Court	14.4%	6.5%
242	Twelfth Judicial District Court	11.6%	11.4%
243	Thirteenth Judicial District Court	9.8%	9.2%
	Subtotal - District Courts	8.9%	21.6%
244	Bernalillo County Metro. Court	16.6%	15.9%
	Total Judiciary	12.4%	24.4%

Note: The table excludes district attorney offices and the Judicial Standards Commission.

* Not applicable.

NEW MEXICO JUDICIARY ACTIVITY SUMMARY

78th (1989-90) Fiscal Year

Supreme Court (See pages 7-11)

° Case filings increased by about 3% overall (the number of direct appeals of civil and criminal cases fell by almost 18%, offsetting an 11% increase in petitions for certiorari); but . . .

° Cases closed increased marginally and slightly exceeded total cases filed as a result . . .

° The backlog of pending cases was reduced from the FY 77 level . . .

° Data Summary

	78th FY	77th FY
Total pending cases, begin FY	155	129
New cases filed	+ 711	+ 735
Cases closed	- 715	- 709
Total pending cases, end FY	151	155

Court of Appeals (See pages 13-24)

° New cases filed during FY 1989-90 increased by 3%, to a total of 843, or approximately 70 cases per month. The Court also experienced a 48% increase in motions filed and acted on (from 1,345 to 1,993) . . .

° Total dispositions amounted to 763 cases, the same proportionate increase of 3% over the prior fiscal year . . .

° The backlog of pending cases continued to rise, from 495 to 614 cases. The Court of Appeals' backlog is significant and is now at serious levels.

° Data Summary

	78th FY	77th FY
Total pending cases, begin FY	495	414
New cases filed	+ 843	+ 821
Cases closed	- 763	- 741
Adjustment (technical)	+ 39	1
Total pending cases, end FY	614	495

NEW MEXICO JUDICIARY ACTIVITY SUMMARY

78th (1989-90) Fiscal Year

District Courts (See pages 26-33)

° Total case filings in the 78th fiscal year increased by 9% from the prior fiscal year level. New filings continue to rise, primarily in the areas of domestic relations and cases involving civil disputes.

° The total number of cases closed rose by 3% from the prior fiscal year's total. As a result . . .

° Total pending cases as of June 30, 1990 increased from earlier levels. This measure of case "backlog" has thus broken a two year decline in active cases.

° Data Summary	78th FY	77th FY
Total pending cases, begin FY	48,510	48,202
Cases filed (including reopened cases)	78,526	71,835
Cases closed	73,798	71,920
Total pending cases, end FY	53,238	48,117

Magistrate Courts (See pages 35-41)

° The method by which magistrate court statistics are captured was revised in FY 78. Accordingly, there appear to be some significant, although acceptable, changes in the case filings reported. Because of the new system, no pending cases were included in the reports and therefore we cannot yet determine an accurate number of total active cases (including any backlogs).

° Total filings by charge rose by about 3% in the 78th fiscal year. When counted by case, (defendant), there were approximately 105,000 cases opened.

° Total case dispositions decreased by about 20% from the prior year level.

° Data Summary	78th FY		77th FY
	Case	Charge	
Filings	105,072	122,516	119,400
Dispositions	87,600	-----	95,800

NEW MEXICO JUDICIARY ACTIVITY SUMMARY

78th (1989-90) Fiscal Year

Bernalillo County Metropolitan Court (See pages 43-47)

° The Court's caseload activity continued to increase significantly during the 78th fiscal year. Case filings (excluding parking, which has been largely phased out and would otherwise distort underlying trends) increased by 40,500 cases, or by 13.5%, over the 77th fiscal year level. Over the past two fiscal years, adjusted case filings rose by almost 100,000 cases, or by 41.2%.

° The number of cases closed also rose, but less rapidly than total filings. The total rose by 21,600 cases, or by 10.3%.

° Data Summary	Total (A)	Parking (B)	Adjusted Total (A) -(B)
New cases filed			
78th FY	353,500	12,700	340,800
77th FY	305,300	5,000	300,300
76th FY	328,300	86,900	241,400
Cases closed			
78th FY	234,900	23,000	211,900
77th FY	204,200	13,900	190,300
76th FY	171,400	9,400	162,000

ADMINISTRATIVE OFFICE OF THE COURTS

Roster

Robert L. Lovato, Director
David Bloom, Administrative Assistant to the Chief Justice
Alicia Mason, Staff Attorney
Steve H. Urist, Deputy Director
Michelle Trujillo, Secretary
Marcella Ortega, Internal Auditor
Aurora Sandoval, Internal Auditor

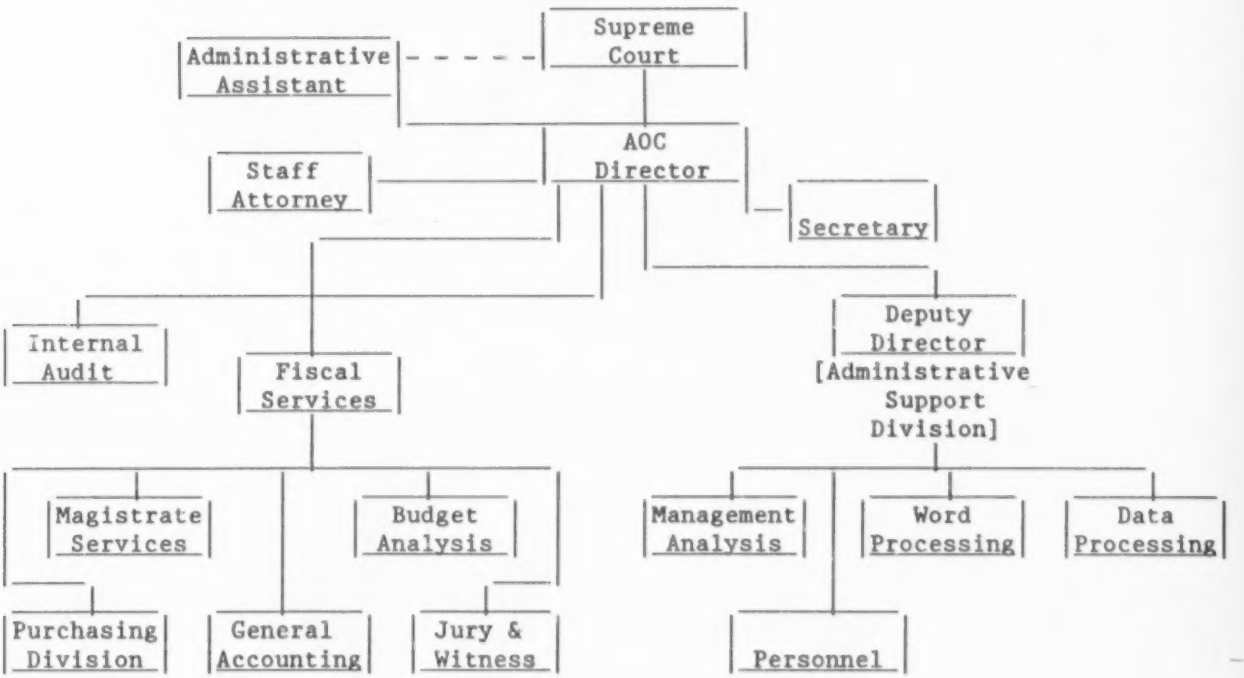
Administrative Support Division

Angela Lucero, Management Analyst
Patricia Garcia, Management Analyst
Cheryl Meyer, Personnel Administrator
Priscilla Duran, Research Analyst
Jeff Varela, Personnel Analyst
Laura Carrales, Personnel Analyst
Walter Kuencer, Data Processing Manager
Brenda Carroll, Systems Analyst
Diana Heffenger, Systems Analyst
Renee Cascio, Systems Analyst
Sharon Wolfe, Computer Operator
Kathy Romero, Computer Operator

Fiscal Services Division

Donna Gary, Director, Fiscal Services
Ray Chavez, Budget Analyst
Arturo Montoya, Accounting Supervisor
Alfred Lujan, Procurement Specialist
Marcos Arguello, Storekeeper
Michael Aragon, Jury & Witness
Yvonne Anaya, Accounts Payable
Jaymie Sullivan, Field Services
Joe Luna, Field Services
Marie Sanchez, Field Services
Patricia Mirabal, Field Services

ORGANIZATION CHART



ADMINISTRATIVE OFFICE OF THE COURTS

Statutory Authority and Duties

The Administrative Office of the Courts (AOC), through the statutory powers and duties of the director (Section 34-9-3 NMSA 1978) and under the supervision and direction of the supreme court, is required to perform the following functions:

- Supervise all matters relating to administration of the court;
- Examine fiscal matters and the state of the docket of the courts;
- Secure information as to the courts' need of assistance;
- Prepare and transmit statistical data and reports concerning the business of the courts to the supreme court;
- Submit to the supreme court and to the legislature by January 30 of each year a report of the activities of the administrative office and of the state of business of the courts, including the statistical data submitted to the supreme court and the director's recommendations. This report is a public document;
- Resolve financial problems in those courts receiving legislative appropriations, ensure adequate but economical financing of each of those courts and the equitable distribution of available funds;
- Receive, adjust and approve proposed budgets submitted by such courts in the state prior to submission of the budgets to the state budget division of the department of finance and administration for inclusion in the executive budget; and
- Perform other duties in aid of the administration of justice and the administration and dispatch of the business of the courts as directed by the supreme court.

In carrying out its statutory mandate, AOC administers the operating and capital budgets of the magistrate court system; the reporting, recording, jury and witness fund; the mental health attorneys fund; the judges pro tempore fund; the uniform parentage act; and continuing judicial education appropriations.

Organizational Structure and Responsibilities

As central staff for the state's unified court system, AOC provides judicial branch personnel administration; management analysis services for all courts; systems for budget preparation, review and oversight, accounting and audit; central clearinghouse for statistical and other reports; program design and monitoring; administrative and data systems development and maintenance; and internal audit. AOC also provides operations supervision for the Supreme Court Building Commission. The 31 employees are assigned to these areas of court administration, which consist of two formal divisions.

The **Administrative Support Division** is under the direction of the deputy director of the Administrative Office of the Courts, this division is responsible for the following areas:

Management functions of AOC, including management analysis, magistrate services coordination, the judicial personnel office, and data systems analysis and development. Central staff support functions such as secretarial, word processing, clerical, reception are also part of this division.

Specific duties include: 1) analyzing and developing administrative policies and procedures for the courts and AOC; 2) conducting special analytical studies; 3) publishing and updating court and AOC manuals, forms and guidelines; 4) compiling and analyzing court statistics; 5) analyzing and developing court data systems; 6) administering the judicial personnel system and compensation plan; 7) conducting personnel studies; 8) training judges, clerks and other support personnel; 9) negotiating magistrate court building and services leases; and 10) providing other administrative support or management services as required or requested by the Supreme Court or other state courts.

The **Fiscal Services Division** is responsible for financial control and magistrate field services functions. This includes the following tasks: magistrate accounting, data collection, payroll, inventory and purchasing; budget review and assistance for all judicial agencies; vouchering and administration of special funds, including jury and witness, mental health attorneys and judges pro tempore funds, and the uniform parentage act; vouchering travel requests for judges and judicial employees, including out-of-state travel for state court judges; managing AOC budgets; court reporters' board management; purchasing and inventory for all agencies housed within the Supreme Court building; and financial audits of all judicial agencies.

The **Staff Attorney** position is attached to the office of the director. The staff attorney's primary functions are as legal counsel to all divisions of AOC and as a legal resource for the magistrate courts; however, the attorney will provide assistance to all judicial agencies as required. The staff attorney does not represent the AOC before any grievance boards or in litigation.

The **Internal Auditor** positions (2) are also attached to the office of the director. The auditors perform both financial and management compliance audits to ensure that internal controls are adequate and that the courts are following the proper procedures in the administration of justice.

The **Administrative Assistant to the Chief Justice** position is assigned to AOC for special projects for the judiciary and to assist the AOC in the areas of planning, research and statistics.

Management Projects and Continuing Programs

Jury Selection Project

Beginning February 1991, the district courts must summon jurors based on a list of jurors drawn from the voter registration list and a list of driver license holders. In anticipation of this event, the judiciary contracted with the Information Systems Division (ISD) to write the software program to merge the driver license and voter registration lists and provide it to the courts.

The Administrative Office of the Courts was asked to coordinate an effort to computerize the merger of the voter file and the driver license file. Because the Motor Vehicle Department's driver license file resides at ISD and the Bureau of Election has the voter file at ISD, the jury selection process has been centralized in Santa Fe.

The organizational procedures are established and adjustments have been made to the programming (technical area) to correct problems that have developed with the system. A great deal of coordination between agencies has taken place and all systems are operational.

Court Automation

The New Mexico Judiciary is currently in the process of implementing a statewide automated system to address district court functional and management information needs. The automated court information system will support data and word processing in a networked environment and provide controlled access to court information for state agencies and public users.

Application software was selected from Jalan, Inc., and hardware from IBM. An evaluation and negotiation committee of court judges, administrators and clerks participated in the selection and procurement of the systems. A user committee has been working with Jalan to test the software and define required system customization based upon New Mexico judicial procedures.

In January 1990, pilot sites in the Fifth Judicial District (Lovington and Hobbs) and at the AOC were installed with hardware and application software for testing and modification definition. Hardware and application software has also been installed in Alamogordo and Carrizozo, the Twelfth Judicial District; in Gallup, the Eleventh Judicial District; and, in the Albuquerque Criminal Division, the Second Judicial District. Parallel case management processing began during the Autumn of 1990 in the Fifth, Eleventh and Twelfth districts. The Second district is scheduled to begin parallel testing in February 1991. After daily case management procedures are successfully established, the manual process will be eliminated. No additional district courts will be automated during the current FY 79 (July 1990 to June 1991). The automation of additional district court sites, during FY 80, will depend upon legislative appropriations.

Judicial Personnel System

During the 78th fiscal year the judiciary asked for and received funding to fully implement pay for performance based on a compensation/classification system using the Hay Guide-Chart Profile Method.

The Hay Group has advised us that it generally takes five years to fully implement the new compensation/evaluation system. The judicial branch is now approaching the fourth year under the compensation/evaluation system and the third year with a pay-for-performance plan. The average salary for classified

employees has increased from 77% compa-ratio prior to implementation to approximately 90%. Supervisors appear to be using the evaluation tool correctly in most cases and our goal for the coming year is to further increase supervisory knowledge of the performance evaluation system.

We have once again contracted with the Hay Group so that a more accurate comparison to the executive branch could be made on the basis of job points. During prior years the comparison with the executive branch was made using average salary rates of "benchmark," or similar, positions in the executive branch. Since the two branches now use the same job measurement methodology, the judiciary can adopt the same range structure as the executive, allowing for pay equity between the two. In comparing the current pay practice of the two, we found that a gap exists in the middle ranges of the structure with the judicial lagging behind. The appropriations request for FY year 80 is intended to eliminate this gap for classified employees and to provide market movement for all employees. Personnel staff have been heavily involved in assisting managers and employees in all courts and agencies in recruiting, disciplining, dismissing, and evaluating employees on a daily basis. We also assist employees with benefit questions and concerns.

This year personnel staff assisted with approximately 30 recruitments in the magistrate courts, Supreme Court, Court of Appeals and Building Commission. For each, we prepared and distributed position announcements and placed newspaper advertisements. We also received and evaluated applications, scheduled interviews, traveled to the courts to train our chief clerks and judges, completed paperwork and notified all applicants of the position's being filled. In the cases where we went to the courts, we trained the judges and chief clerks in the basics of interviewing techniques, legal and illegal questions, what the NMJBP Rules require, and how to properly complete the forms. All of this work requires 40+ hours of effort per vacancy.

There were numerous grievances filed in 1990, most of which progressed to a hearing before the Judicial Grievance Board. Personnel staff's role is much like that of consultant both to the grievant and to management. We assist grievants with understanding the procedural requirements of the rules, and we assist management with documenting incidents, and insuring that employees' rights are not infringed upon and that state and federal laws are followed. We serve as staff to the Grievance Board, assisting in preparing for hearings, distributing files to Board members, notifying all parties to a grievance of dates and times of hearings and decisions of the Board. At least one staff member attends each grievance hearing.

The AOC has adopted a policy that all requests for reclassification will go to the reclassification committee. Personnel staff prepares pertinent documentation for the committee, coordinates all aspects of the procedures and attends all classification committee meetings. There were four meetings of the classification and compensation committee in 1990. For each meeting, personnel staff prepared approximately 75 pages of documentation, including agendas, minutes, letters, revised job descriptions and various reports which were then distributed to the 19-member committee and staff.

With the guidance of an attorney who specializes in employment law, extensive work has been done by the personnel staff on revisions on the two and one-half year old personnel rules. We expect to have this project completed early in 1991. The personnel division serves as staff to the Rules Committee, performing such functions as taking minutes of meetings and serving as liaison between the committee and the attorney.

Training and Education

This year has been a very active one for training and education in the New Mexico courts. We held the first all inclusive clerk's training in Albuquerque. It was attended by over 400 magistrate and district court clerks. The topics ranged from basic court clerk procedures to supervisory training for senior clerks.

We have also begun the first of many training sessions at the UNM Law School for district and magistrate judges. The UNM Law School, in conjunction with the Supreme Court CJE Committee and the AOC, has made application to the State Justice Institute for funding to create a Judicial Education Center at the UNM Law School. The Center would administer and continue the existing judicial seminars, conferences and out-of-state training opportunities. It would design, develop and implement comprehensive career development training programs for the judiciary and other court personnel in separate, as well as appropriate, joint training tracks.

Court Accounting System

During the later part of 1988 the Administrative Office of the Courts undertook the task of designing and implementing an automated double-entry accounting system which includes a complete general ledger system for the general, special, trust and agency funds. 1990 has been dedicated to finalizing the second phase of automating the Administrative Office of the Courts accounting systems which consists of integrating with the general ledger system, accounts payable, and purchase order/encumbrance processing. A supplies inventory system, library books inventory system and a fixed assets inventory system were also implemented during 1990.

The judicial branch has become the first branch of New Mexico state government to have an automated uniform accounting system that conforms to generally accepted accounting principles. The thirteen judicial districts currently have the new system installed which will allow uniformity throughout the judicial branch of government. Training on the system by the staff at the Administrative Office of the Courts is continuing throughout the districts.

Internal Audit

The Internal Audit Division of the Administrative Office of the Courts audited fifteen magistrate courts during 1990. The audit covered nine areas: cash, partial payments, fixed assets, supply inventory, bonds, overages and shortages, receipts, disbursements and leave records.

The purpose of the audit was to determine if the court was in compliance with applicable laws, rules and procedures set forth in the New Mexico Statutes Annotated (NMSA) 1978, the Supreme Court Rules Annotated (SCRA) 1986, the Judicial Branch Personnel Rules 1988, and the Magistrate Court Administrative Procedures Manual 1989. The audits were conducted in accordance with the standards in the professional practice of internal auditing and included such tests of records and other auditing procedures considered necessary to complete the audit. Visits to field sites will be conducted to determine whether recommended corrective action has been taken.

Plans for the future are to conduct quarterly internal audits of the general fund and special revenue funds, in addition to the agency funds of the AOC.

SUPREME COURT

The Court during the first half of the 78th fiscal year was comprised of Chief Justice Dan Sosa, Jr., Justice Tony Scarborough, Justice Richard E. Ransom, Justice Joseph F. Baca, Justice Charles B. Larrabee, Justice Seth D. Montgomery and Justice Kenneth B. Wilson. Justice Larrabee was appointed to Justice Stowers' position on July 5, 1989; Justice Scarborough resigned on July 5, 1989 and Justice Montgomery was appointed to fill that position on September 4, 1989; Justice Larrabee resigned on November 7, 1989 and Justice Wilson was appointed to fill that position on December 29, 1989.

REPORT OF THE CLERK

The following table shows the various categories of cases filed on the regular docket of the Court, with figures for the prior four fiscal years for comparison.

	78th	77th	76th	75th	74th
Civil	193	233	212	238	195
Criminal	9	12	14	5	5
Certiorari	333	281	248	296	200
Mandamus	20	19	16	22	19
Prohibition	31	40	45	53	46
Superintending Control	21	30	22	12	20
Habeas Corpus	1	2	1	0	4
Disciplinary Proceedings	10	18	18	12	16
Judicial Standards Commission	8	3	3	4	1
Removal from Corp. Comm.	2	1	5	0	2
Appeal from Orders of the Public Service Comm.	2	3	1	1	0
Certification from U.S. District Court	1	6	4	5	2
Certification from the Court of Appeals	2	1			
Rule 12-603, Election Challenges	1				
Miscellaneous Proceedings	6	7	2	3	5
Quo Warranto	0	0	0	2	0
Rule 12-501 Petition for Certiorari	66	79	43	49	0
Grand Jury Presentment	1				
Writ of Error	4				
Totals	711	735	634	702	515

Of the 193 civil cases, 6 were applications for interlocutory appeals.

On a monthly basis, new cases on the regular docket of the Court for the 78th fiscal year were as follows, with figures for the 77th, 76th, 75th and 74th fiscal years provided for comparison:

	78th	77th	76th	75th	74th
July	56	64	51	51	45
August	71	57	47	49	37
September	55	46	47	55	46
October	55	52	52	63	35
November	74	67	58	52	38
December	57	45	66	63	37
January	45	67	35	63	53
February	50	63	46	64	29
March	68	64	57	61	41
April	72	59	48	52	38
May	59	77	63	60	57
June	49	74	64	69	59
Totals	**711**	**735**	**634**	**702**	**515**

The Supreme Court handed down a total of 166 Opinions/Decisions during the 78th fiscal year.

CHIEF JUSTICE DAN SOSA, JR.		**37 Opinions/Decisions**
Affirmed	19	(6 on certiorari-reversed
Reversed	15	Court of Appeals (COA)
Remanded	1	(1 certification from COA)
Affirmed Part, Reversed Part	2	
JUSTICE RICHARD E. RANSOM		**40 Opinions/Decisions**
Affirmed	24	
Reversed	9	(2 on certiorari-1 affirmed
Affirmed Part, Reversed Part	5	COA; 1 reversed COA)
Dismissed Appeal	2	(1 opinion was withdrawn)
JUSTICE JOSEPH F. BACA		**30 Opinions/Decisions**
Affirmed	16	
Reversed	8	
Affirmed Part, Reversed Part	4	
Remanded	1	
Peremptory Writ	1	
JUSTICE SETH D. MONTGOMERY		**21 Opinions/Decisions**
Affirmed	10	(1 on certiorari-remanded)
Reversed	9	
Dismissed Appeal	2	
JUSTICE KENNETH B. WILSON		**18 Opinions/Decisions**
Affirmed	9	(2 on certiorari-1 affirmed
Reversed	7	COA; 1 reversed COA
Affirmed Part, Reversed Part	2	
JOSEPH CHARLES B. LARRABEE		**4 Opinions/Decisions**
Affirmed	4	

JUDGE THOMAS A. DONNELLY		**3 Opinions/Decisions**
Affirmed	1	
Dismissed Appeal	1	
Affirmed Part, Reversed Part	1	
JUDGE WILLIAM BIVINS		**2 Opinions/Decisions**
Affirmed	1	
Reversed	1	
PER CURIAM		**11 Opinions**
Disciplinary Proceedings	11	

Supreme Court Docket Report

Pending Cases July 1, 1989:			
At issue - not set for oral argument		9	
Not at issue		75	
Previously submitted - under advisement		71	
Total Pending Cases on July 1, 1989:			155
New cases filed Regular Docket			711
Total cases 78th fiscal year			866

Cases Disposed

Written Opinions/Decisions		166	
Certiorari:		315	
Denied	286		
Granted	28	(4 quashed)	
Struck	1		

There were 14 petitions pending action by the Court at the end of the 78th FY:

Prohibition:		28
Denied	20	
Peremptory	4	
Dismissed	3	
Writ quashed	1	
(3 Petitions pending action by Court)		
Mandamus:		20
Denied	18	
Dismissed	1	
Order Issued	1	
Superintending Control:		17
Denied	12	
Dismissed	5	
Original Proceedings:		5
Denied	1	
Reinstated Atty	1	
Suspended Attys	2	
Court Reporter Matter	1	
Habeas Corpus:		1
Denied	1	

Cases Dismissed:		56
Election Challenge		1
Reversed & Remanded	1	
Election Matter-Expedited Appeal		1
Dismissed	1	
Rule 12-501 Petitions for Cert:		77
Denied	74	
Granted	3	
(2 Petitions are pending)		
Transferred to COA:		2
Interlocutory Appeals:		6
Denied	6	
Standards Commission		8
Certifications:		3
COA Granted	1	
Granted (pending from last FY)	1	
U.S. District Court granted	1	
(1 pending)		
Disciplinary:		8
Grand Jury Presentment:		1
Total Cases Disposed		715

Recap of Pending Cases as June 30, 1990:

At issue - not set for submission	7	
Not at issue	55	
Previously submitted - under advisement	65	- on the civil case docket
Docket (Rule 12-501)	24	- on docket for writs, Rule 12-501, original, etc.
Total	151	

Note:
- 14 petitions are pending on certiorari;
- 2 petitions pursuant to Rule 12-501 are pending;
- 1 certification is pending;
- 3 petitions on prohibition are pending;
- 1 petition on superintending control under advisement;
- 3 petitions on superintending control pending.

The average elapsed time (in days), for direct appeals from the district courts that were closed during the 78th fiscal year by written opinion or decision was as follows:

	78th	77th	76th	75th	74th
From Notice of Appeal to Transcript	285	89.89	86.55	94.1	85.0
From Notice of Appeal to Submission	127	242.27	(new category)		
From Transcript to Issue	98	86.53	80.71	86.6	83.0
From Issue to Submission	65	68.32	57.1	66.3	74.0
From Submission to Opinion/Decision	127	81.80	113.95	202.5	148.0
From Issue to Opinion/Decision	194	155.67	156.67	215.9	227.0
From Transcript to Mandate	303	249.87	261.15	320.9	329.0

The above table does not include opinions or decisions issued for certiorari from the Court of Appeals, direct appeals from administrative agencies, certification from the federal district court, original proceedings, disciplinary matters and miscellaneous matters. These cases have not been included because of the differences in rules of procedure governing the filing and briefing schedules.

The Supreme Court maintains a Miscellaneous Docket in order to track all matters that are not filed on the regular docket of the Court. There were 40 matters filed on this docket.

The Rules of Criminal Procedure require the Supreme Court to entertain any request for extensions of time for bringing a criminal case to trial within six months from arrest or indictment. The Children's Court Rules of Procedure also provide procedures for obtaining extensions from the Supreme Court on matters involving adjudicatory hearings. The Metropolitan Court Rules have a provision for obtaining extensions in matters involving appeals from that court to the district court. The Supreme Court maintains dockets and files for each of these categories, and orders are entered on all petitions. There were 686 petitions for extension pursuant to Rule 5-604 handled during the 78th fiscal year; 36 petitions pursuant to Rule 10-308; 69 petitions pursuant to Rule 10-226; 13 pursuant to Rules 6-703, 7-703 and 8-703. There were five petitions filed pursuant to Rule 10-223. There were a total of 849 petitions filed on all miscellaneous dockets.

The Court conducted hearings on 79 matters on the Wednesday docket for various motions and petitions to come before the Court. There were 87 cases submitted to the court on oral argument on the regular calendar of the Court, and 75 cases submitted on briefs only.

BOARD OF BAR EXAMINERS

The Board of Bar Examiners is appointed by the Supreme Court and is charged with the duties of investigating the professional qualifications and good moral character of applicants for admission or reinstatement to the bar of New Mexico, to prepare and arrange for administration of the bar examinations and make recommendations to the Supreme Court with respect to admission and reinstatement. The Board administers examinations in February and July of each year.

The Board is comprised of 11 members appointed by the Supreme Court. All members of the Board are practicing attorneys of the New Mexico Bar in good standing, with an affirmative interest in legal education and requirements for admission to the bar. The Clerk of the Supreme Court is the Secretary and staff to the Board.

February 1990 Test Results

111 Took Exam
93 Passed
18 Failed

89 First Timers
81 First Timers Passed
8 First Timers Failed

22 Repeaters
12 Repeaters Passed
10 Repeaters Failed

6 UNM First Timers
4 UNM First Timers Passed
2 UNM First Timers Failed

13 UNM Repeaters
7 UNM Repeaters Passed
6 UNM Repeaters Failed

84% Overall Passed
67% UNM First Timers Passed
91% First Timers Passed Total
55% Repeaters Passed
54% UNM Repeaters Passed

July 1990 Test Results

213 Took Exam
179 Passed
34 Failed

197 First Timers
176 First Timers Passed
21 First Timers Failed

17 Repeaters
4 Repeaters Passed
13 Repeaters Failed

96 UNM First Timers
87 UNM First Timers Passed
9 UNM First Timers Failed

8 UNM Repeaters
2 UNM Repeaters Passed
6 UNM Repeaters Failed

84% Overall Passed
91% UNM First Timers Passed
89% First Timers Passed Total
24% Repeaters Passed
25% UNM Repeaters Passed

COURT OF APPEALS
July 1, 1989 through June 30, 1990
(78th Fiscal Year)

During the 78th Fiscal Year, the Court of Appeals was composed of:

William W. Bivins.....Chief Judge
Thomas A. Donnelly.....Judge
A. Joseph Alarid.....Judge
Pamela B. Minzner.....Judge
Rudy S. Apodaca.....Judge
Harris L Hartz.....Judge
Benjamin Anthony Chavez.....Judge

The following is a report of the docket activities of the Court of Appeals for the 78th (1989-1990) fiscal year, as submitted by the clerk of the court, Patricia C. Manzanares.

The goal of the Court is to dispose of all appeals as fairly and as expeditiously as possible. On June 15, 1989, the New Mexico Supreme Court adopted Rule 12-406 of the Rules of Appellate Procedure, which states that any appeal or other case pending before the Court of Appeals should be disposed of within ten months after the date of filing of the notice of appeal. The rule becomes effective for cases filed in the appellate courts on or after July 1, 1990. The Court of Appeals implemented the new rule on an informal basis for the fiscal year commencing July 1, 1989. At the present time, the Court is not meeting these standards in the general civil area.

The Court of Appeals presently has an appellate caseload of over 800 new cases filed annually. The Court currently has a backlog of cases which increased during the 78th Fiscal Year. The Court expects the increase in the backlog to continue. In addition, the Court experienced a 48% increase in motions filed and acted on over the prior year (from 1345 to 1993).

The Court's open cases increased twenty-four percent (24%) from 495 at the end of the 77th Fiscal Year to 614 at the end of the 78th Fiscal Year. Open cases include cases that have been disposed of by the Court but the time for filing a petition for writ of certiorari has not expired or such a petition has been filed and is pending.

I. APPEALS FILED

During the 78th Fiscal Year, 843 new cases were filed. This continued the high numbers of filings from the 77th Fiscal Year. By comparison, 712 new cases were filed in the 76th Fiscal Year, and 517 in the 67th Fiscal Year. The Court's average filings are approximately 70 per month.

The Court places cases in five priority categories. A breakdown of new cases filed by category is as follows:

Category:	1(a)(i)	Interlocutory Appeals, Criminal	15
	1(a)(ii)	Interlocutory Appeals, Civil	31
	1(b)	Children's Court	36
	1(c)	Mental Health	3
	2	Criminal	304

Category:	3(a)	Worker's Comp, WC Division	106
	3(b)	Worker's Comp, District Courts	19
	4(a)	Domestic Relations cases with custody/support issues	33
	5(a)	Administrative Appeals	43
	5(b)(i)	Medical Malpractice	6
	5(b)(ii)	Other Torts	93
	5(c)	Property	32
	5(d)	Probate	11
	5(e)	Water	4
	5(f)	Domestic Relations without custody/support issues	23
	5(g)	Other civil cases	84
Total			843

Of these, 350 were free process appeals, 63 were appeals by the State, and 3 were transferred from the Supreme Court.

II. CALENDARING

Because the Court of Appeals initially receives almost all appeals originating from district courts, criminal and civil, as well as administrative bodies, and because of the heavy caseload resulting therefrom, it has been necessary over the years to develop a system for screening and summarily deciding those cases which are controlled by precedent or are without merit. This system is the calendaring process by which all cases coming into the Court are screened through what is known as a docketing statement, without briefs and without a transcript of testimony. A central staff (prehearing division) screens these cases under the supervision of one of the judges of the Court. The judges perform this duty for a three-month term on a rotating basis. Thus, with a seven-member court, after a judge has performed calendaring duties, he or she would not again serve in this capacity until twenty-one months later. Nevertheless, judges who are not performing calendaring duties serve as participants on summary cases, which requires reviewing the docketing statement, amendments thereto, if any, and memoranda filed in opposition or support of the Court's proposed disposition.

The following table represents a breakdown of docketing statements filed during the past fiscal year:

Docketing Statements Filed

Criminal	304
Worker's Compensation	125
Domestic Relations	56
Children's Court	36
Other Civil	276
Total Filed	797

Once the docketing statement is filed and reviewed, the case may be placed on one of four calendars. General, legal and limited calendars contemplate a full briefing process. A case put on a summary calendar, with summary affirmance, reversal or dismissal proposed, may be summarily disposed of by the Court unless the party opposing the proposed disposition convinces the Court to recalendar the case.

The following calendar assignments were rendered during the 78th Fiscal Year. These numbers do not correspond to the number of docketing statements filed because a case is usually calendared about a month after the docketing statement is filed; also, interlocutory appeals are calendared although no docketing statement is filed.

Cases Calendared	Civil	Criminal	Total
Summary	332	288	620
General	82	22	104
Limited	1	1	2
Legal	7	2	9
Totals	**422**	**313**	**735**

The following calendar reassignments or dispositions were rendered on the above 735 cases after the time had passed for parties opposing proposed calendarings to file memoranda in response on cases originally assigned to summary calendar.

Summary Cases	Civil	Criminal	Total
Cases Reassigned to Non-Summary	108	84	192
Number of Summary Reassignments	136	153	289
Cases Disposed without opposition	126	40	166
Cases Disposed with opposition	98	163	261
Total disposed on summary	224	203	427
Percent of cases assigned to summary and disposed on summary	67%	70%	69%
Percent of cases disposed on summary (of cases calendared)	53%	65%	58%

III. DISPOSITIONS

In the 78th Fiscal Year, there were 763 cases disposed of, or approximately 109 dispositions per judge. Dispositions include opinions, dispositive orders, and transfers or certifications to the New Mexico Supreme Court. The 763 cases were disposed of as shown below with comparable figures for previous years:

	78th	77th	76th	75th
Transferred/Certified to Supreme Court	23	26	22	60
Dismissed by Order	140	121	102	147
Opinions filed	622	601	571	660
(adjustment for opinions that were not dispositive)	-37	-21	-26	-29
(adjustment for consolidations)	+15	+14	+21	+15
Totals	**763**	**741**	**690**	**853**

The categories of cases disposed of by opinion is as follows:

Category:			
	1(a)(i)	Interlocutory Appeals, Criminal	4
	1(a)(ii)	Interlocutory Appeals, Civil	8
	1(b)	Children's Court	34
	1(c)	Mental Health	2
	2	Criminal	281
	3(a)	Worker's Comp, WC Division	87
	3(b)	Worker's Comp, District Courts	20
	4(a)	Domestic Relations cases with custody/support issues	24
	5(a)	Administrative Appeals	17
	5(b)(i)	Medical Malpractice	2
	5(b)(ii)	Other Torts	43
	5(c)	Property	14
	5(d)	Probate	6
	5(e)	Water	2
	5(f)	Domestic Relations without custody/support issues	14
	5(g)	Other civil cases	42
	Total		600

With one judge assigned at all times to the calendaring process, the remaining six members serve on panels of three in deciding those cases which are placed on a briefing calendar, either general, legal, or limited. Those cases receive full briefing and all or part of the record of the hearing or trial below is reviewed. One judge is assigned to author these opinions and the two participants are required to review the file. Sometimes a participant, or the author if he or she does not obtain a majority, may write a separate opinion, either concurring specially or dissenting.

Because of the calendaring rotation, there will always be a disparity in production figures as between those judges who calendar and those who do not. For example, the calendaring judges will file overall more opinions during a given year than those judges who did not calendar that year. The calendaring judges may have fewer non-summary (regular) opinions filed however, because during the calendaring rotation, those judges did not receive regular opinions to author.

The 600 opinions disposing of cases were filed by the judges of the Court as follows:

Total Cases Disposed of by Judge (Authorships & Participations)

Chief Judge William W. Bivins

Authored opinions in	39	cases (24 formal, 14 memorandum, 1 formal/memorandum)
Authored summary opinions in	112	cases (3 formal, 109 memorandum)
	151	
Participated in opinions in	49	cases (32 formal, 17 memorandum)
Participated in summary opinions in	80	cases (4 formal, 76 memorandum)
	129	

Judge Thomas A. Donnelly

Authored opinions in	31	cases (20 formal, 11 memorandum)
Authored summary opinions in	87	cases (3 formal, 84 memorandum)
	118	
Participated in opinions in	60	cases (36 formal, 22 memorandum, 2 formal/memorandum)
Participated in summary opinions in	105	cases (3 formal, 102 memorandum)
	165	

Judge A. Joseph Alarid

Authored opinions in	31	cases (20 formal, 11 memorandum)
Authored summary opinions in	54	cases (0 formal, 54 memorandum)
	85	
Participated in opinions in	58	cases (37 formal, 19 memorandum, 2 formal/memorandum)
Participated in summary opinions in	123	cases (6 formal, 117 memorandum)
	181	

Judge Pamela B. Minzner

Authored opinions in	34	cases (20 formal, 12 memorandum, 2 formal/memorandum)
Authored summary opinions in	1	case (0 formal, 1 memorandum)
	35	
Participated in opinions in	63	cases (39 formal, 24 memorandum)
Participated in summary opinions in	137	cases (5 formal, 132 memorandum)
	200	

Judge Rudy S. Apodaca

Authored opinions in	28	cases (19 formal, 9 memorandum)
Authored summary opinions in	6	cases (3 formal, 3 memorandum)
	34	
Participated in opinions in	73	cases (48 formal, 25 memorandum)
Participated in summary opinions in	125	cases (5 formal, 120 memorandum)
	198	

Judge Harris Hartz

Authored opinions in	33	cases (20 formal, 13 memorandum0
Authored summary opinions in	37	cases (5 formal, 32 memorandum)
	70	
Participated in opinions in	59	cases (37 formal, 20 memorandum, 2 formal/memorandum)
Participated in summary opinions in	111	cases (2 formal, 109 memorandum)
	170	

Judge Benjamin A. Chavez

Authored opinions in	11	cases (7 formal, 4 memorandum)
Authored summary opinions in	96	cases (1 formal, 95 memorandum)
	107	
Participated in opinions in	52	cases (29 formal, 23 memorandum)
Participated in summary opinions in	105	cases (5 formal, 100 memorandum)
	157	

The following chart shows both cases disposed of (column 3) and opinions filed (column 6) by the judges of the Court. Total cases disposed of plus non-dispositive opinions less consolidated opinions equals total opinions filed.

	Regular	Summary	Total Cases Disposed	Nondis-positive Opinions	Consoli-dated	Total Opinions Filed
Bivins	39	112	151	6	2	155
Donnelly	31	87	118	7	5	120
Alarid	31	54	85	8	1	92
Minzner	34	1	35	3	1	37
Apodaca	28	6	34	3	3	34
Hartz	33	37	70	3	1	72
Chavez	11	96	107	7	2	112
Totals	207	393	600	37	15	622

Of the 622 opinions disposing of 600 cases, 433 cases were disposed of by memorandum opinions. Memorandum opinions are not to be officially reported or published and are not to be cited as precedent. SCRA 1986, 12-405(C). 164 cases were disposed of by formal opinions. 3 cases were disposed of by opinions that were partially memorandum and partially formal opinions.

The 600 cases disposed of by opinion are broken down by result in the following table:

	Civil	Criminal
Affirmed	177	205
Reversed	70	48
Dismissed	40	11
Affirmed in part and reversed in part	28	21
Totals	315	285

The following dispositions were made on applications for orders allowing interlocutory review:

Granted	11	
Denied	32	(includes 1 granted but later quashed)
Transferred	3	
Total	46	

IV. MOTIONS

1993 motions were filed and acted upon by the Court of Appeals during FY 78. This was a 48% increase in motions over the prior year. They are broken down by category as follows:

Extensions filed		1202
Briefs	542	
Transcripts	32	
Docketing Statements	194	
Memos in Opposition	301	
Other	133	
Motions for Oral Argument		71
Dismiss		129
Stays		13
Rehearing		55
Granted	16	
Denied	39	
Pending	0	
Miscellaneous		523
		1993

V. CERTIORARI STATUS REPORT

The following table represents Supreme Court action on Court of Appeals cases:

Notices pending at end of prior year	26
Notices filed during the 78th Fiscal Year	301
	327
Granted during the 78th Fiscal Year	26
Denied during the 78th Fiscal Year	284
Remanded to the Court of Appeals	2
Notices Pending	15
	327

Nine petitions for certiorari that were granted in the prior year were pending at the beginning of the 78th Fiscal Year. (This figure is a correction from the previously reported number of 6.) Of these and the 26 petitions for certiorari granted during the 78th Fiscal Year, 4 were later quashed, 1 dismissed, and 12 opinions were filed by the Supreme Court. Thus, 18 petitions on which certiorari had been granted were pending at the end of the 78th Fiscal Year.

VI. AVERAGE TIME TO DISPOSE OF APPEALS BY CATEGORY - OPINIONS

The following tables depict the average time to dispose of appeals broken down by category for cases disposed of by opinion. The time for issuance of mandate has not been computed. The rules state that mandate shall issue within 20 days of final action by the Court of Appeals, but because of motions for rehearing and petitions for certiorari to the Supreme Court, the time varies. The time for ruling on petitions for certiorari is controlled by the Supreme Court.

One interlocutory appeal was denied by formal opinion without calendaring or briefing; therefore, it was not counted. One atypical criminal case was not counted.

The average disposition time achieved by the Court in interlocutory appeals, children's court cases, criminal cases, worker's compensation cases, and domestic relations cases (priority categories 1(a), 1(b), 2, 3(a), 3(b), 4(a), and 5(f)) was 212.8 days. This represents an increase of over three months from the average time during the last fiscal year of 116.9 days. During the year prior to that the average time was 133.6 days. In non-priority cases, category 5, the average disposition time was 187.9 days. The Court's combined average disposition time in all cases was 207.5 days, approximately the same as the previous year. However, the average disposition rate for non-priority cases declined sharply (from 310.6 days to 187.9 days) because more of the cases decided were from the priority categories (474 compared to 439 last year and 342 the year before that). Due to the increased caseload, the Court is unable to decide as many cases in the non-priority categories. These cases constitute the majority of the Court's increasing backlog and the average age of these cases continues to grow.

VII. HEARINGS and SPECIAL PROGRAMS

A. There were 7 days of motions hearings involving 9 cases.

B. The Court held 29 days of oral arguments involving 39 cases. Oral arguments were held in Santa Fe, Albuquerque, Roswell, and by telephone conference.

C. Chief Judge Bivins authored two Supreme Court cases. Judge Donnelly authored one Supreme Court case. Chief Judge Bivins, Judge Alarid and Judge Hartz each participated in one Supreme Court case.

D. Pursuant to authority granted by the New Mexico Supreme Court on July 19, 1985, the Court of Appeals adopted procedures for voluntary settlement conferences. The purpose of a settlement conference is to expedite the appeal process and to assist the parties and counsel in effecting settlement at the earliest possible stage. If that cannot be done, then a secondary goal is to narrow the issues. The program is voluntary and is only used where all parties agree to a settlement conference. The judge assigned to handle the settlement conference shall not be a member of the panel assigned to decide the case should it not settle. During the 78th Fiscal Year, 2 cases were assigned for settlement conferences. One of the cases settled with Judge Minzner acting as the settlement facilitator.

VIII. CASES FILED IN NEW MEXICO COURT OF APPEALS BY COUNTY

County	Free Process	Civil	Criminal	Inter-locutory	Total
Bernalillo	84	107	75	11	193
Cibola	2	3	0	0	3
Catron	0	0	2	0	2
Chaves	46	14	47	1	62
Colfax	2	3	2	0	5
Curry	12	1	13	0	14
De Baca	1	0	1	0	1
Dona Ana	17	25	15	2	42
Eddy	30	10	27	1	38
Grant	7	4	4	1	9
Guadalupe	0	0	0	0	0
Harding	0	0	0	0	0
Hidalgo	2	1	2	0	3
Lea	29	11	33	3	47
Lincoln	1	4	1	1	6
Los Alamos	0	3	1	0	4
Luna	7	5	7	1	13
McKinley	2	6	6	1	13
Mora	1	2	0	0	2
Otero	10	3	10	0	13
Quay	3	1	4	0	5
Rio Arriba	8	18	9	3	30
Roosevelt	5	0	6	0	6
Sandoval	2	7	2	2	11
San Juan	12	12	11	2	25
San Miguel	2	9	1	1	11
Santa Fe	23	64	8	6	78
Sierra	3	1	3	1	5
Socorro	5	6	5	1	12
Taos	5	10	6	2	18
Torrance	1	3	0	0	3
Union	1	0	0	1	1
Valencia	6	11	3	1	15
Admin.Appeals	5	43	0	0	43
Worker's Comp Div	82	106	0	4	110
Totals	**416**	**493**	**304**	**46**	**843**

The totals in the last column include the civil, criminal, interlocutory and docket and affirm cases.

AVERAGE NUMBER OF DAYS
Cases on a General Calendar (Tapes)

Category	No. of Cases	Notice of Appeal to Transcript	Transcript to At Issue	At Issue to Submission	Submission to Opinion	Total
1(a)(i)	1	82	106	93	53	334
1(a)(ii)	2	40	55	45	102	242
1(b)	13	109	85	70	70	334
1(c)	2	101	70	63	71	305
2	66	122	98	93	95	408
3(a)	32	114	64	60	94	332
3(b)	8	74	82	97	124	378
4(a)	9	132	94	120	69	415
5(a)	0	0	0	0	0	0
5(b)(i)	0	0	0	0	0	0
5(b)(ii)	2	107	68	342	107	624
5(c)	2	125	67	349	104	645
5(d)	0	0	0	0	0	0
5(e)	0	0	0	0	0	0
5(f)	2	132	107	258	130	627
5(g)	1	201	78	253	113	645
Total 140						
Average Days		**115.6**	**86**	**94.9**	**92.8**	**389.3**

AVERAGE NUMBER OF DAYS
Cases on a General Calendar (Transcripts)

Category	No. of Cases	Notice of Appeal to Transript	Transcript to At Issue	At Issue to Submission	Submission to Opinion	Total
1(a)(i)	0	0	0	0	0	0
1(a)(ii)	3	100	69	75	131	375
1(b)	0	0	0	0	0	0
1(c)	0	0	0	0	0	0
2	27	203	103	96	113	515
3(a)	0	0	0	0	0	0
3(b)	3	151	60	50	83	344
4(a)	0	0	0	0	0	0
5(a)	1	69	82	52	54	257
5(b)(i)	0	0	0	0	0	0
5(b)(ii)	3	198	67	262	174	701
5(c)	2	105	58	425	61	649
5(d)	0	0	0	0	0	0
5(e)	2	79	57	601	47	784
5(f)	0	0	0	0	0	0
5(g)	4	124	88	300	201	713
Total	45					
Average Days		**172.5**	**89.6**	**156.8**	**117.5**	**536.4**

AVERAGE NUMBER OF DAYS
Cases on a Limited Calendar (Tapes)

Category	No. of Cases	Notice of Appeal to Tapes	Tapes to At Issue	At Issue to Submission	Submission to Opinion	Total
1(a)(i)	0	0	0	0	0	0
1(a)(ii)	0	0	0	0	0	0
1(b)	0	0	0	0	0	0
1(c)	0	0	0	0	0	0
2	2	175	77	105	120	477
3(a)	0	0	0	0	0	0
3(b)	0	0	0	0	0	0
4(a)	0	0	0	0	0	0
5(a)	0	0	0	0	0	0
5(b)(i)	0	0	0	0	0	0
5(b)(ii)	0	0	0	0	0	0
5(c)	0	0	0	0	0	0
5(d)	0	0	0	0	0	0
5(e)	0	0	0	0	0	0
5(f)	0	0	0	0	0	0
5(g)	0	0	0	0	0	0
Total	2					
Average Days		175	77	105	120	477

AVERAGE NUMBER OF DAYS
Cases on a Limited Calendar (Transcript)

Category	No. of Cases	Notice of Appeal to Transcript	Transcript to At Issue	At Issue to Submission	Submission to Opinion	Total
1(a)(i)	0	0	0	0	0	0
1(a)(ii)	0	0	0	0	0	0
1(b)	0	0	0	0	0	0
1(c)	0	0	0	0	0	0
2	1	456	64	81	21	622
3(a)	0	0	0	0	0	0
3(b)	0	0	0		0	0
4(a)	0	0	0	0	0	0
5(a)	0	0	0	0	0	0
5(b)(i)		0	0	0	0	0
5(b)(ii)	0	0	0	0	0	0
5(c)		0	0	0	0	0
5(d)		0	0	0	0	0
5(e)	0	0	0	0	0	0
5(f)	0	0	0	0	0	0
5(g)	0	0	0	0	0	0
Total	1					
Average Days		456	64	81	21	622

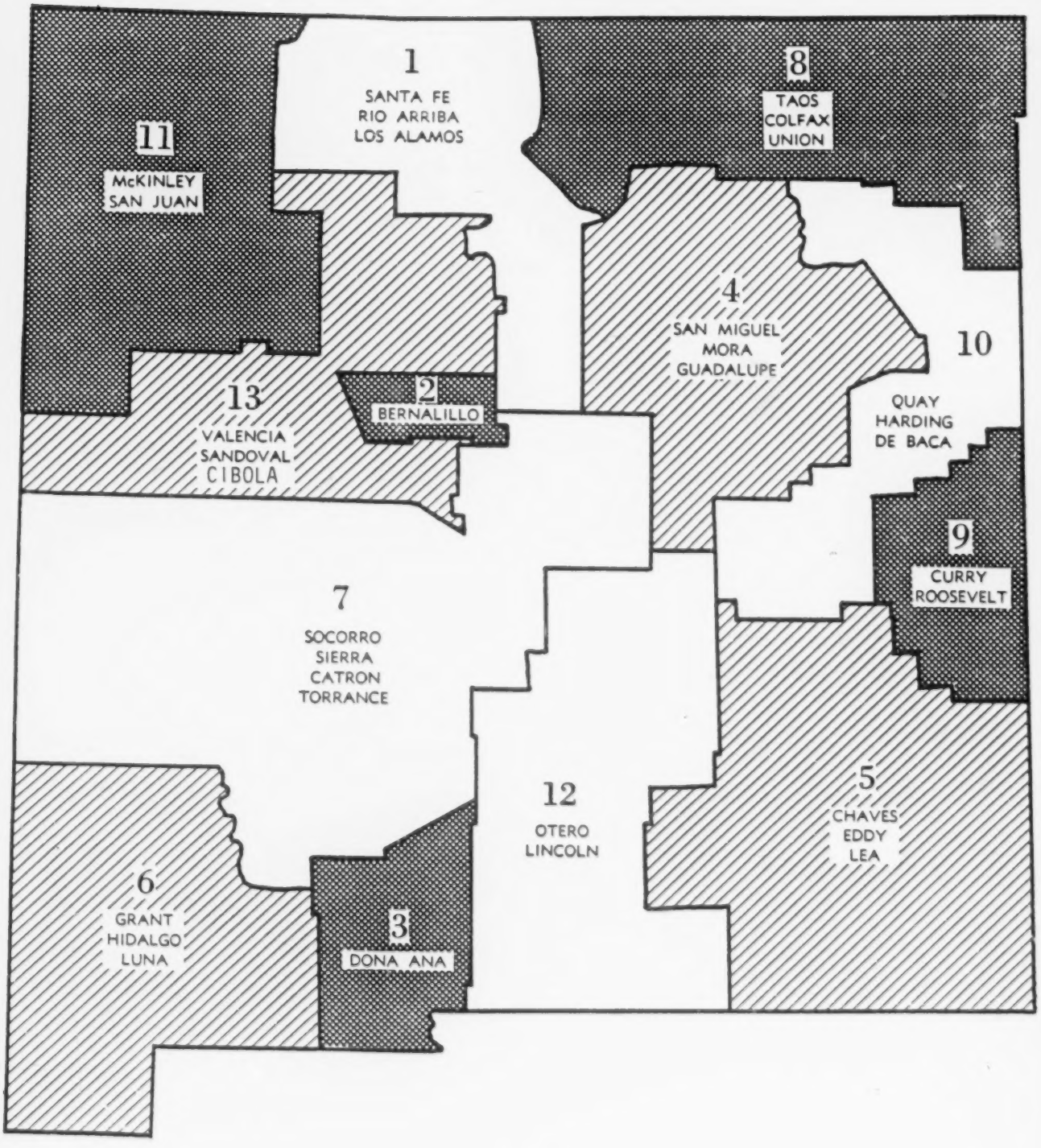
AVERAGE NUMBER OF DAYS
Cases on a Legal Calendar

Category	No. of Cases	Notice of Appeal to At Issue	At Issue to Submission	Submission to Opinion	Total
1(a)(i)	1	74	57	98	229
1(a)(ii)	2	76	62	142	280
1(b)	1	102	49	92	243
1(c)	0	0	0	0	0
2	6	171	146	86	403
3(a)	0	0	0	0	0
3(b)	0	0	0	0	0
4(a)	0	0	0	0	0
5(a)	1	102	317	186	605
5(b)(i)	0	0	0	0	0
5(b)(ii)	2	107	276	190	573
5(c)	0	0	0	0	0
5(d)	0	0	0	0	0
5(e)	0	0	0	0	0
5(f)	0	0	0	0	0
5(g)	2	148	218	107	473
Total	15				
Average Days		131.1	160.7	118.0	409.8

AVERAGE NUMBER OF DAYS
Cases on a Summary Calendar

Category	No. of Cases	Notice of Appeal to Submission	Submission to Opinion	Total
1(a)(i)	1	40	8	48
1(a)(ii)	1	50	5	55
1(b)	20	83	16	99
1(c)	0	0	0	0
2	178	90	11	101
3(a)	55	76	9	85
3(b)	9	87	4	91
4(a)	15	78	4	82
5(a)	15	92	4	96
5(b)(i)	2	94	3	97
5(b)(ii)	36	88	6	94
5(c)	10	97	4	101
5(d)	6	82	3	85
5(e)	0	0	0	0
5(f)	12	95	7	102
5(g)	35	85	6	91
Total	395			
Average Days		86.6	8.9	95.5

JUDICIAL DISTRICTS



DISTRICT COURTS

District Court Judges - 1990 Roster

District/Division		Location	Judge
First	I	Santa Fe	Petra Jimenez-Maes
	II		Joe C. Castellano, Jr.
	III		Patricio Serna, Chief Judge
	IV		Bruce E. Kaufman
	V		Art Encinias
	VI		Steve Herrera
Second	I	Albuquerque	Michael E. Martinez
	II		James F. Blackmer
	III		Frederick M. Mowrer
	IV		Frank H. Allen, Jr.
	V		Gerard W. Thomson
	VI		Wilbert C. Smith II
	VII		Philip R. Ashby
	VIII		Ross C. Sanchez
	IX		C. Burton Cosgrove III
	X		Rozier E. Sanchez
	XI		Diane Dal Santo
	XII		Rebecca Sitterly
	XIII		Robert H. Scott
	XIV		W. John Brennan, Chief Judge
	XV		H. Richard Blackhurst
	XVI		Robert L. Thompson
	XVII		Anne Kass
	XVIII		Susan M. Conway
	XIX		Albert S. Murdoch
Third	I	Las Cruces	Joe H. Galvan, Chief Judge
	II		Thomas G. Cornish, Jr.
	III		James T. Martin
	IV		Lalo Garza
Fourth	I	Las Vegas	Benny Flores, Chief Judge
	II		Jay G. Harris
Fifth	I	Carlsbad	Fred A. Watson
	II	Roswell	Alvin F. Jones, Chief Judge
	III	Hobbs	Ralph W. Gallini
	IV	Hobbs	Patrick J. Francoeur
	V	Carlsbad	James L. Shuler
	VI	Roswell	William J. Schnedar
	VII	Hobbs	Lawrence H. Johnson

DISTRICT COURTS

District Court Judges - 1990 Roster

District/Division		Location	Judge
Sixth	I	Silver City	V. Lee Vesely
	II	Deming	Manuel D.V. Saucedo, Chief Judge
Seventh	I	Socorro	Edmund H. Kase III, Chief Judge
	II		Leslie C. Smith
Eighth	I	Raton	Peggy J. Nelson
	II	Taos	Joseph E. Caldwell, Chief Judge
Ninth	I	Clovis	Stephen K. Quinn
	II	Clovis	Fred T. Hensley, Chief Judge
	III	Portales	David W. Bonem
Tenth	I	Tucumcari	Stanley F. Frost, Chief Judge
Eleventh	I	Aztec	Benjamin S. Eastburn
	II	Gallup	Joseph L. Rich
	III	Aztec	James L. Brown
	IV	Farmington	Paul R. Onuska, Chief Judge
Twelfth	I	Alamogordo	Sandra A. Grisham
	II	Alamogordo	Robert M. Doughty II, Chief Judge
	III	Carrizozo	Richard A. Parsons
Thirteenth	I	Los Lunas	Mayo T. Boucher, Chief Judge
	II	Bernalillo	Kenneth G. Brown
	III	Los Lunas	Tibo Chavez
	IV	Grants	Martin G. Pearl

District Courts - Activities

FAX Machines

Due to increased use of facsimile (FAX) machines in the every day work of the courts, there has been a significant number of requests to modify court rules and procedures to accommodate the use of fax machines in the New Mexico court system. An ad hoc committee met to discuss the usage of fax machines in the courts. A compilation of state rules concerning fax documents was provided by the National Center for State Courts. The committee developed a "model" rule that was forwarded to the district court civil procedures committee for further review and discussion.

Committees

District court judges serve crucial roles on several judiciary committees. The Judicial Automation Committee advises the Supreme Court, as well as the other courts on automation issues, the needs of the judiciary, and future trends in computer technology.

The Judicial Planning Committee has representation from the Supreme Court, the Court of Appeals, District court, Metropolitan court, and Magistrate court. This committee discusses issues that affect the New Mexico court system. Long-range planning is a regular task performed by the committee members.

The Judicial Performance Evaluation Sub-Committee is developing criteria and studying methodologies to measure judicial performance in light of the 1989 constitutional amendment to allow for retention elections. The Committee is composed of appellate, district and magistrate judges, as well as members from the legal community and public organizations such as League of Women Voters, Common Cause, and Court Update.

District Court Judges Association

The district court judges association works harmoniously with the legislative branch of government. Due to a good working relationship, the association often serves as a liaison to the legislature. District judges are a resource and provide information on how issues will affect the courts.

One of the association's goals is to communicate to its members the advantages of choosing a career as a district court judge. The state would benefit from the experience, the knowledge, and the skills developed by a long-term judge.

Administrative Procedures Manual

The District Court Clerk's Manual published by the Administrative Office of the Courts on October 4, 1982, was revised. A year-long effort involved court administrators, district court clerks, an attorney, and AOC staff. The revised edition was distributed to the courts in April 1990 and was offered for sale to the public.

Clerk Training

District court clerks and administrators attended a joint-training conference with magistrate and metropolitan court clerks. Aside from the educational benefits of the conference, the clerks were able to meet other clerks from around the state to share information and problem-solve. This was the first conference for the district courts in many years, and <u>all</u> court clerks attended with only minimal interruption of regular court business.

STATEWIDE DISTRICT COURT CASELOAD TREND
68th - 78th Fiscal Years

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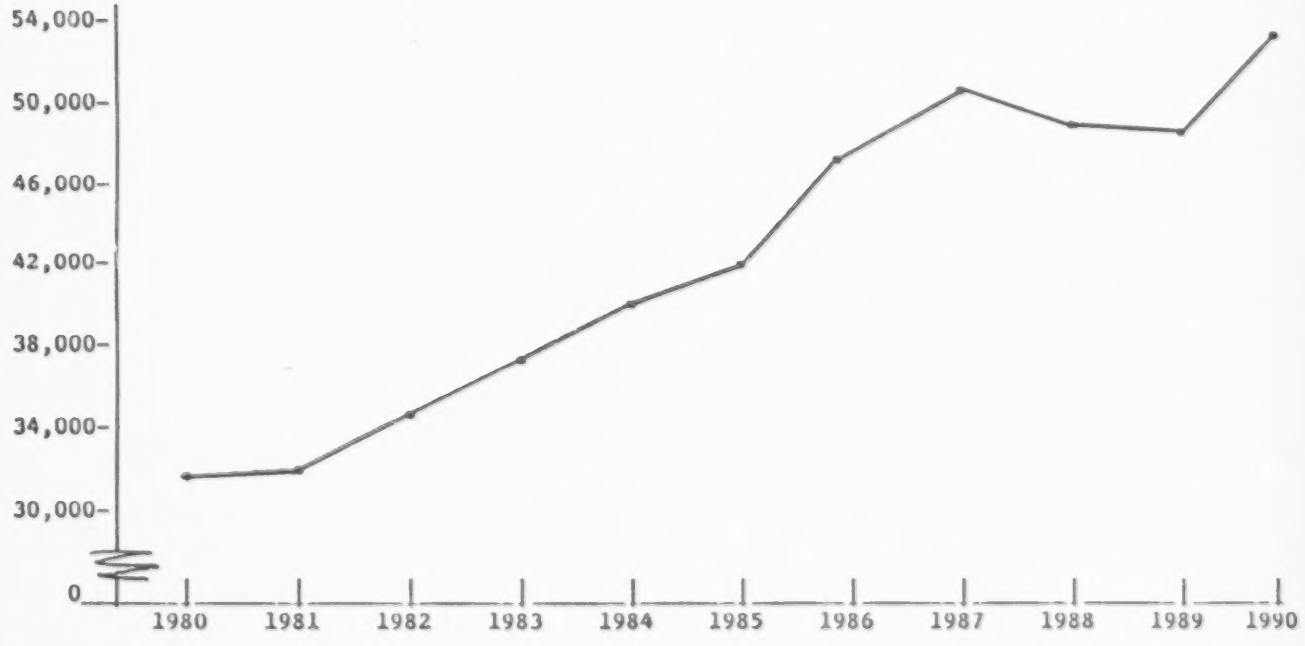
Fiscal Year	Pending Begin FY	New Filings	Re-opened Cases	Closed Cases	Pending End FY
78th (1989-90)	48,510	63,894	14,632	73,798	53,238
77th (1988-89)	48,202	57,600	14,235	71,920	48,117
76th (1987-88)	50,204	55,712	13,749	71,342	48,323
75th (1986-87)	46,974	57,347	11,820	66,057	50,084
74th (1985-86)	41,883	59,247	11,653	65,063	47,602
73rd (1984-85)	40,802	55,768	11,681	66,321	41,913
72nd (1983-84)	37,072	55,341	10,133	61,764	40,782
71st (1982-83)	34,059	59,243		55,588	37,714
70th (1981-82)	32,984	53,710		52,578	34,116
69th (1980-81)	32,573	54,187		53,983	32,777
68th (1979-80)	31,666	55,216		54,309	32,573

PENDING CASES IN NEW MEXICO DISTRICT COURTS
As of June 30 for 1980 through 1990



DISTRICT COURT CASELOAD REPORT

Presented by County, 78th (1989-90) Fiscal Year

COURT	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90
LOS ALAMOS	119	163	29	201	110	113	120	30	178	85
RIO ARRIBA	387	376	93	515	341	201	411	94	479	227
SANTA FE	2,164	2,704	324	3,270	1,922	773	1,270	296	1,633	706
BERNALILLO	8,650	15,689	1,164	14,233	11,270	4,082	5,632	1,819	7,128	4,405
DOÑA ANA	1,247	1,504	89	1,613	1,227	518	1,178	259	1,384	571
GUADALUPE	33	49	9	37	54	23	32	16	54	17
MORA	76	64	11	73	78	27	35	28	48	42
SAN MIGUEL	391	544	350	870	415	222	404	190	509	307
CHAVES	1,755	675	57	710	1,777	342	978	450	1,433	337
EDDY	676	622	23	708	613	389	735	237	940	421
LEA	1,148	1,018	130	1,206	1,090	383	796	262	973	468
GRANT	539	386	54	502	477	268	282	81	398	233
HIDALGO	94	83	3	92	88	31	44	13	63	25
LUNA	292	249	42	273	310	107	146	53	201	105
CATRON	43	26	2	47	24	7	21	1	19	10
SIERRA	158	185	44	226	161	65	174	39	205	73
SOCORRO	186	185	23	234	160	79	192	23	203	91
TORRANCE	119	140	35	206	88	68	1,016	102	1,108	78
COLFAX	295	218	50	248	315	130	115	22	131	136
TAOS	589	377	64	500	530	386	195	56	235	402
UNION	96	91	29	106	110	26	38	7	38	33
CURRY	530	523	15	466	602	273	718	213	766	438
ROOSEVELT	343	187	3	253	280	106	193	16	189	126
DE BACA	46	28	2	32	44	8	15	3	20	6
HARDING	24	12	0	12	24	5	7	0	8	4
QUAY	349	200	0	232	327	86	137	44	192	75
MCKINLEY	338	349	0	359	328	174	438	0	371	241
SAN JUAN	1,504	1,008	40	1,109	1,443	677	765	149	975	616
LINCOLN	395	444	274	623	490	73	197	71	235	106
OTERO	695	511	53	573	686	623	600	111	776	558
CIBOLA	321	279	53	301	352	88	301	54	339	104
SANDOVAL	604	758	108	653	817	197	255	83	244	291
VALENCIA	1,604	667	516	1,325	922	422	338	96	430	426
Totals	25,248	30,302	3,699	31,797	27,452	10,972	17,778	4,918	21,905	11,763

DISTRICT COURT CASELOAD REPORT (Continued)

Presented by County, 78th (1989-90) Fiscal Year

CRIMINAL CASES					JUVENILE CASES					TOTAL 78th FY CASELOAD				
Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90
27	61	7	73	22	14	44	7	50	25	273	388	73	502	232
101	160	69	207	123	78	168	97	274	69	767	1,115	353	1,475	760
329	520	270	702	417	162	320	221	564	139	3,428	4,814	1,111	6,169	3,184
3,633	3,434	977	4,009	4,035	1,733	2,792	1,407	4,162	1,770	18,098	27,547	5,367	29,532	21,480
260	517	112	641	248	179	290	288	580	177	2,204	3,489	748	4,218	2,223
12	44	11	61	6	9	21	17	40	7	77	146	53	192	84
4	23	0	15	12	10	5	6	15	6	201	127	45	151	222
81	367	41	368	121	86	103	76	198	67	780	1,418	657	1,945	910
206	347	54	421	186	117	234	258	395	214	2,420	2,234	819	2,959	2,514
185	235	53	303	170	140	217	222	441	138	1,367	1,909	535	2,590	1,221
303	466	118	537	350	85	131	118	262	72	1,919	2,411	510	2,978	1,862
113	125	38	185	91	49	114	53	162	54	969	877	226	1,247	825
32	40	9	58	23	11	14	6	20	11	168	349	28	223	322
40	121	36	155	42	26	59	14	76	23	465	575	720	705	1,055
20	14	1	23	12	1	2	0	1	2	71	63	4	90	48
49	63	37	116	33	12	33	11	44	12	395	455	131	591	390
85	133	19	162	75	15	61	14	77	13	365	571	79	676	339
24	71	13	92	16	10	59	28	68	29	221	1,286	178	1,474	211
56	89	16	82	79	21	40	20	66	15	502	462	108	527	545
171	118	15	154	150	45	73	10	74	54	1,191	763	145	963	1,136
10	25	5	23	17	2	2	2	4	2	1,130	156	43	171	1,358
105	221	42	225	143	147	179	137	340	123	1,055	1,641	359	1,797	1,306
110	63	39	139	73	51	58	10	72	47	610	501	68	653	526
2	19	4	17	8	7	3	0	7	3	63	65	9	76	61
2	0	0	1	1	0	0	0	0	0	31	19	0	21	29
57	71	38	117	49	56	53	10	79	40	548	461	89	620	478
78	204	0	190	92	71	168	0	213	26	661	1,159	0	1,133	687
319	514	107	515	425	184	294	44	331	191	2,684	2,581	340	2,930	2,675
41	87	52	136	44	28	19	10	46	11	537	1,192	407	1,040	1,096
342	362	77	366	415	111	108	64	155	128	1,771	1,581	305	1,870	1,787
116	146	12	145	129	18	61	6	69	16	543	787	125	854	601
165	190	40	208	187	23	142	64	174	55	989	1,345	295	1,279	1,350
286	302	38	294	332	35	100	4	98	41	1,807	1,407	654	2,147	1,721
7,364	9,152	2,350	10,740	8,126	3,536	5,967	3,224	9,157	3,570	48,510	63,894	14,632	73,798	53,238

DISTRICT COURT CASELOAD REPORT

Presented by Judicial District, 78th (1989-90) Fiscal Year

	CIVIL CASES					DOMESTIC CASES				
	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90
1st District	2,670	3,243	446	3,986	2,373	1,087	1,801	420	2,290	1,018
2nd District	8,650	15,689	1,164	14,233	11,270	4,082	5,632	1,819	7,128	4,405
3rd District	1,247	1,504	89	1,613	1,227	518	1,178	259	1,384	571
4th District	500	657	370	980	547	272	471	234	611	366
5th District	3,579	2,315	210	2,624	3,480	1,114	2,509	949	3,346	1,226
6th District	925	718	99	867	875	406	472	147	662	363
7th District	506	536	104	713	433	219	1,403	165	1,535	252
8th District	980	686	143	854	955	542	348	85	404	571
9th District	873	710	18	719	882	379	911	229	955	564
10th District	419	240	12	276	395	99	159	47	220	85
11th District	1,842	1,357	40	1,468	1,771	851	1,203	149	1,346	857
12th District	1,090	955	327	1,196	1,176	696	797	182	1,011	664
13th District	1,989	1,704	677	2,279	2,091	707	894	233	1,013	821
Totals	25,270	30,314	3,699	31,808	27,475	10,972	17,778	4,918	21,905	11,763

DISTRICT COURT CASELOAD REPORT (Continued)

Presented by Judicial District, 78th (1989-90) Fiscal Year

CRIMINAL CASES					JUVENILE CASES					TOTAL 78th FY CASELOAD				
Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90	Pending 7-01-89	New Filings	Re-opened Cases	Closed Cases	Pending 6-30-90
457	741	346	982	562	254	532	325	888	223	4,468	6,317	1,537	8,146	4,176
3,633	3,434	977	4,009	4,035	1,733	2,792	1,407	4,162	1,770	18,098	27,547	5,367	29,532	21,480
260	517	112	641	248	179	290	288	580	177	2,204	3,489	748	4,218	2,223
97	434	52	444	139	105	129	99	253	80	1,058	1,691	755	2,288	1,216
694	1,048	225	1,261	706	342	582	598	1,098	424	5,706	6,554	1,864	8,527	5,597
185	286	83	398	156	86	187	73	258	88	1,602	1,801	974	2,175	2,202
178	281	70	393	136	38	155	53	190	56	1,052	2,375	392	2,831	988
237	232	36	259	246	68	115	32	144	71	3,023	1,381	296	1,661	3,039
215	284	81	364	216	198	237	147	412	170	1,665	2,142	475	2,450	1,832
61	90	42	135	58	63	56	10	63	43	642	545	98	717	568
397	718	107	705	517	255	462	44	544	217	3,345	3,740	340	4,063	3,362
383	449	129	502	459	139	127	74	201	139	2,308	2,773	712	2,910	2,883
567	638	90	647	648	76	303	74	341	112	3,339	3,539	1,074	4,280	3,672
7,364	9,152	2,350	10,740	8,126	3,536	5,967	3,224	9,157	3,570	48,510	63,894	14,632	73,798	53,238

MAGISTRATE COURTS
Magistrate Court Judges - 1990 Roster

County/Division	Location	Judge
Catron I	Reserve Quemado (Circuit)	Robert A. Atwood
Chaves I	Roswell	Joseph D. Posz
Chaves II	Roswell	John W. McLemore Presiding Judge
Cibola I	Grants	W. Frank Emerson
Cibola II	Milan	Marion K. Cregger
Colfax I	Raton	Archie A. Valdez
Colfax II	Springer Cimarron (Circuit)	Margarito Arellano
Curry I	Clovis	Ottis Foster Presiding Judge
Curry II	Clovis	Richard A. Burke
De Baca I	Ft. Sumner	Thomas P. Rogers
Doña Ana I	Las Cruces	Timothy R. Reeves
Doña Ana II	Las Cruces	Benjamin B. Rios Presiding Judge
Doña Ana III	Las Cruces Anthony (Circuit) Hatch (Circuit)	Ruben J. Maynez
Eddy I	Carlsbad	Steven E. Clark
Eddy II	Carlsbad	Nancy F. Beard Presiding Judge
Eddy III	Artesia	Donald W. Price
Grant I	Silver City	John H. Scholl
Grant II	Bayard	Y.B. Morales
Guadalupe I	Santa Rosa Vaughn (Circuit)	Arcenio C. Sanchez
Harding I	Roy	Pedro Gonzales
Hidalgo I	Lordsburg	Rosa Lina Salinas
Lea I	Lovington	Vickey A. Crawford
Lea II	Hobbs	J. Ralph Wrinkle
Lea III	Eunice Jal (Circuit)	Don W. Gladden
Lea IV	Tatum	Virginia Pior
Lincoln I	Carrizozo	Gerald Dean, Jr.
Lincoln II	Ruidoso	James R. Wheeler
Los Alamos I	Los Alamos	Marthanne Cole

MAGISTRATE COURTS
Magistrate Court Judges - 1990 Roster

County/Division	Location	Judge
Luna I	Deming	Fred C. De La O, Jr.
McKinley I	Gallup	Lidio G. Rainaldi
McKinley II	Gallup	Paris C. Derizotis Presiding Judge
McKinley III	Thoreau	John J. Carey
Mora I	Mora	Rudy C. Montoya
Otero I	Alamogordo	Reynaldo S. Cordova
Otero II	Alamogordo	Henry M. Prelo Presiding Judge
Quay I	Tucumcari San Jon (Circuit)	J. Bronson Moore
Rio Arriba I	Chama	David Esquibel
Rio Arriba II	Española	Richard C. Martinez
Roosevelt I	Portales	Jesse Porter
Sandoval I	Bernalillo	Bennie Lovato
Sandoval II	Cuba	Richard Velarde
San Juan I	Aztec	Ola Mae Hynson
San Juan II	Farmington	William Liese
San Juan III	Farmington	Terry L. Pearson, Sr. Presiding Judge
San Miguel I	Las Vegas	Luis Martinez
San Miguel II	Las Vegas	Oliver Hern Presiding Judge
Santa Fe I	Santa Fe	Eugene F. Romero Presiding Judge
Santa Fe II	Santa Fe	Isaac R. Archuleta
Santa Fe III	Santa Fe Pojoaque (Circuit)	George Anaya, Jr.
Sierra I	T or C	Totsie Norton Williams
Socorro I	Socorro	Ignacio N. Garcia
Taos I	Taos	Nicklos E. Jaramillo
Taos II	Taos Questa (Circuit)	Betty J. Gonzales Presiding Judge
Torrance I	Moriarty Estancia (Circuit)	Jean Williams
Union I	Clayton	Herbert S. Blakely
Valencia I	Los Lunas	Toribio L. Perea
Valencia II	Belen	Gillie Sanchez

Magistrate Courts - Activities

Magistrate Court System

The AOC is committed to assisting the magistrates in the development and maintenance of a professional court system. In an effort to carry out this mission, the AOC has increased its effort in three areas: 1) training for judges and clerks; 2) increased compensation for clerks and other court staff; and 3) creation of a magistrate budget advisory committee. The magistrate committee has assisted the AOC in identifying areas that need improvement, including additional staff, capital outlay, lease standards, and training needs.

Magistrate Training

The University of New Mexico Law School is taking an active role in the training of the magistrate judges. The law school has several resources and advantages to offer: 1) use of the law library; 2) access to the law professors; and 3) high-tech video equipment. The law school provides an educational setting with an emphasis on academics.

Magistrate clerks attended a joint-training conference with Metropolitan and District court clerks from around the state. Topics offered this year included communication skills, supervisory training, and stress management, as well as reviewing changes in clerical procedure and other administrative functions. Staggered sessions were offered to allow all magistrate clerks to attend with only minimal interruption to regular court business.

Administrative Procedures Manual

The manual, first published in 1985, underwent a complete revision in 1989. In 1990, the format was changed and the manual republished. We are now revising the manual on a fiscal year basis to encompass changes in the law and to provide for consistent procedures throughout the state. This effort has added significantly to our goal of creating a unified court system in New Mexico.

Facilities

During the past year, several of the magistrate courts have been moved to new facilities. The facility standards were designed to make sure that the magistrate courts would be located in professional settings. Every effort was made to locate facilities that would represent the respect and honor associated with the magistrate court system.

Magistrate Courts - Activities

Caseload Reports

In FY 78, a high priority was placed on improving the quality and quantity of management-related information about the performance of the state's courts, particularly the magistrate courts. Prior to this time, statistical data for the magistrate courts was compiled by the AOC from source documents (copies of complaints, final orders and traffic citation abstracts) submitted by the courts. Various problems were encountered over the years, including confusion resulting from counting of charges by non-court staff; discrepancies between docket numbers issued and cases reported; the time required to do the count and verify reports; and, dissatisfaction with the limited information available. A Magistrate Information Committee, composed of judges, clerks and AOC staff, was established to consider options and make recommendations.

As a result, the individual courts began capturing their own data, both by number of charges filed and by case. The categories for which data was collected was also expanded to include more detailed information. For example, civil filings were broken down to claims under $2,000 and claims $2,000 to $5,000, so we could determine the impact of the increased jurisdiction.

The reporting form was also changed to include pending cases at the beginning and ending of each period so a more accurate measure of the court's total activity and backlog would be available. Due to the new system, active cases still pending at the beginning of FY 78 were not counted or included in the total caseload.

We are continuing to refine the new system. Other considerations (such as turnover in personnel and training effectiveness) have prevented us from publishing the full caseload report for FY 78, without also including several disclaimers and providing justification for some numbers. Information on a single court is available from the AOC; however, it is with the approval of the Magistrate Judges Association that only an abbreviated report of total filings is included.

MAGISTRATE CASELOAD FILINGS
78th (1990-91) Fiscal Year

COUNTY & CITY	TOTAL FILINGS BY CASE	TOTAL FILINGS BY CHARGE
CATRON		
Reserve	242	255
Quemado[1]	442	557
CHAVES		
Roswell	6,127	6,364
CIBOLA		
Grants	1,144	1,683
Milan	1,178	1,948
COLFAX		
Raton	1,584	1,620
Springer	826	857
Cimarron[1]	566	590
CURRY		
Clovis	2,523	4,405
DE BACA		
Ft. Sumner	546	726
DOÑA ANA		
Las Cruces	7,451	8,928
Hatch[1]	337	413
Anthony[1]	1,372	1,637
EDDY		
Carlsbad	3,471	3,399
Artesia	1,331	1,342
GRANT		
Silver City	2,476	2,593
Bayard	1,499	1,522
GUADALUPE		
Santa Rosa	737	767
Vaughn[1]	818	821
HARDING		
Roy	70	99
HIDALGO		
Lordsburg	1,579	1,879
LEA		
Lovington	1,519	1,519
Hobbs	5,429	5,444
Eunice	565	569
Tatum[2]	41	40
Jal[1]	150	151
LINCOLN		
Carrizozo	606	814
Ruidoso	1,365	1,365
LOS ALAMOS		
Los Alamos	1,597	1,770
LUNA		
Deming	2,962	3,012
McKINLEY		
Gallup	6,966	9,524
Thoreau[2]	262	262

MAGISTRATE CASELOAD FILINGS
78th (1990-91) Fiscal Year

COUNTY & CITY	TOTAL FILINGS BY CASE	TOTAL FILINGS BY CHARGE
MORA		
Mora	771	774
OTERO		
Alamogordo	3,395	3,571
QUAY		
Tucumcari	1,757	1,838
San Jon[1]	980	980
RIO ARRIBA		
Chama	573	786
Española	2,455	3,194
ROOSEVELT		
Portales	4,508	5,696
SANDOVAL		
Bernalillo	1,255	1,667
Cuba	1,576	2,252
SAN JUAN		
Aztec	1,779	2,517
Farmington	6,625	6,637
SAN MIGUEL		
Las Vegas	1,250	1,800
SANTA FE		
Santa Fe	5,593	7,471
Pojoaque[1]	614	896
SIERRA		
T or C	2,479	2,479
SOCORRO		
Socorro	2,340	3,083
TAOS		
Taos	867	960
Questa[1]	110	163
TORRANCE		
Moriarty	1,046	1,407
Estancia[1]	253	353
UNION		
Clayton	996	1,052
VALENCIA		
Los Lunas	2,788	2,774
Belen	3,291	3,291
GRAND TOTALS	**105,072**	**122,516**

1 This court operates as a circuit court.

2 Part-time judge.

MAGISTRATE REVENUE REPORT
78th (1989-90) Fiscal Year
(All amounts in dollars)

COURTS	FINES & FORFEITS	CRIMINAL CRT COSTS & OTHER	CIVIL COURT COSTS	LAB FEES	CORRECT-TION FEES	COURT AUTO FEES	TOTAL
CATRON							
Reserve	5,659	1,815	470	915	1,100	306	10,265
Quemado[1]	18,670	5,525	250	1,030	3,285	900	29,660
CHAVES							
Roswell	182,163	8,840	37,425	6,905	15,851	4,748	255,932
CIBOLA							
Grants	26,564	7,191	3,365	1,260	6,255	1,491	46,126
Milan	33,657	10,330	725	2,370	10,479	2,877	60,438
COLFAX							
Raton	36,780	3,048	2,835	2,460	6,400	1,314	52,837
Springer	29,656	5,640	725	1,131	4,632	1,043	42,827
Cimarron[1]	18,656	4,288	250	455	3,429	738	27,816
CURRY							
Clovis	106,947	18,404	19,090	6,227	19,130	5,059	174,857
DE BACA							
Ft. Sumner	29,125	2,935	2,825	585	2,849	780	39,099
DOÑA ANA							
Las Cruces	141,012	36,256	38,855	11,086	26,959	6,904	261,072
Anthony[1]	43,987	10,293	3,325	1,095	8,133	2,291	69,124
Hatch	6,065	2,340	675	380	1,550	432	11,442
EDDY							
Carlsbad	107,444	15,323	24,510	2,785	14,495	3,756	168,313
Artesia	33,422	2,175	4,585	1,930	3,523	1,050	46,685
GRANT							
Silver City	49,748	14,633	9,625	3,460	12,590	2,889	92,945
Bayard	28,260	5,713	3,275	3,236	7,140	1,754	49,378
GUADALUPE							
Santa Rosa	23,270	8,006	700	665	4,088	864	37,593
Vaughn[1]	26,463	10,635	0	105	5,570	1,170	43,943
HARDING							
Roy	4,342	700	100	0	680	195	6,017
HIDALGO							
Lordsburg	38,280	9,100	2,375	3,295	7,443	1,299	61,792
LEA							
Lovington	56,522	10,692	2,575	1,385	8,795	2,438	82,407
Hobbs	231,957	26,242	30,350	5,180	26,256	6,549	326,534
Eunice	22,568	2,841	1,075	665	2,890	729	30,768
Tatum[2]	2,751	661	0	0	330	99	3,841
Jal[1]	6,137	560	325	105	720	162	8,009
LINCOLN							
Carrizozo	27,847	4,542	475	995	4,628	999	39,486
Ruidoso	19,860	3,277	5,150	2,639	4,275	1,160	36,361
LOS ALAMOS							
Los Alamos	34,398	8,465	4,120	1,050	10,153	2,738	60,924
LUNA							
Deming	24,757	600	4,725	2,695	6,081	1,798	40,656
MCKINLEY							
Gallup	202,472	43,598	11,270	13,475	41,002	11,151	322,968
Thoreau[2]	2,225	1,165	50	0	1,100	327	4,867
MORA							
Mora	20,897	2,204	550	875	4,470	1,227	30,223

MAGISTRATE REVENUE REPORT (Continued)
78th (1989-90) Fiscal Year
(All amounts in dollars)

COURTS	FINES & FORFEITS	CRIMINAL CRT COSTS & OTHER	CIVIL COURT COSTS	LAB FEES	CORRECT-TION FEES	COURT AUTO FEES	TOTAL
OTERO							
Alamogordo	176,660	20,715	14,990	9,625	20,648	4,971	247,609
QUAY							
Tucumcari	38,202	9,002	5,110	1,820	7,403	1,982	63,519
San Jon[1]	66,778	5,200	25	150	9,030	2,472	83,655
RIO ARRIBA							
Chama	17,927	4,180	475	700	4,145	1,041	28,468
Española	76,127	16,820	4,760	2,260	17,394	4,528	121,889
ROOSEVELT							
Portales	158,210	12,166	7,370	5,014	21,595	5,669	210,024
SANDOVAL							
Bernalillo	34,528	3,790	7,270	2,770	4,848	1,481	54,687
Cuba	34,465	8,932	350	1,900	5,685	1,678	53,010
SAN JUAN							
Aztec	70,252	17,314	2,310	7,605	14,190	2,941	114,612
Farmington	147,269	40,398	25,870	9,139	27,915	6,402	256,993
SAN MIGUEL							
Las Vegas	16,396	6,717	6,045	2,570	7,260	1,762	40,749
SANTA FE							
Santa Fe	106,828	36,784	42,710	8,075	35,556	9,138	239,091
Pojoaque	17,523	5,145	425	2,025	5,020	1,353	31,491
SIERRA							
T or C	66,476	18,737	2,525	3,320	12,310	2,467	105,835
SOCORRO							
Socorro	58,902	19,140	3,275	6,215	15,281	3,948	106,760
TAOS							
Taos	39,459	13,892	6,400	4,027	11,795	3,389	78,962
Questa[1]	5,421	1,550	375	650	1,295	380	9,671
TORRANCE							
Moriarty	31,325	8,139	675	1,090	7,022	1,845	50,096
Estancia[1]	9,481	2,220	250	735	1,400	337	14,423
UNION							
Clayton	48,497	7,202	1,325	945	5,612	1,760	65,341
VALENCIA							
Los Lunas	41,863	5,300	8,110	5,960	4,239	2,579	68,051
Belen	103,078	8,040	7,075	6,995	14,281	4,252	143,721
Totals	**3,008,221**	**559,420**	**364,370**	**164,029**	**530,205**	**137,611**	**4,763,856**

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1 This court operates as a circuit court.

2 Part-time judge.

BERNALILLO COUNTY METROPOLITAN COURT

Roster of Judges

Chief Judge Marie Baca
Division XII

Criminal Division
Presiding Judge
Theresa M. Baca, Division VII

Division I
Mark A. Macaron

Division II
Kathleen D. Carter

Division IV
Charles R. Barnhart

Division V
Roderick T. Kennedy

Division VI
Maria Caldwell

Division VIII
Joanne S. Birge

Division IX
Elizabeth N. Love

Civil Division
Presiding Judge
Tommy Jewell, Division III

Division X
Frank W. Gentry

Division XI
Thomas E. Davis

Court Administrator
Bennina G. Armijo-Sisneros

Activity Report

The Metropolitan Court is composed of 12 judges (three new judges will be added in January 1991) and 161 full-time, support staff. There are 14 divisions, including a Spanish Language Court Interpreter and Mediation Program.

The **Accounting Division** continues to implement a supply inventory system and has assisted in revising the joint-purchasing agreement between Metropolitan Court and District Court. The Accounting Division was responsible for the tracking of receipts in excess of $5,785,494. Total FY 78 receipts exceeded FY 77 collections by 24.3%. In addition, the division processed 9,468 cash bonds and 4,922 surety bonds during FY 78. The division was also responsible for the collection of $60,410 in interest paid through the initiation of repurchase agreements.

The following is a listing by category of revenue collected during FY 78:

METROPOLITAN COURT REVENUE REPORT
78th (1990-91) Fiscal Year

Category	Total for Fiscal Year
Fines	$ 2,300,883.23
Bond Forfeitures	173,281.30
Correction Fees	477,177.18
School Fees	252,008.65
Court Costs	365,517.24
Crime Lab	117,583.24
Probation Costs	70,056.02
Mediation Fees	48,398.76
Automation Fees	139,936.51
Civil Fees	242,105.07
Other	4,700.24
Total	**$ 4,191,647.44**

In addition, Bernalillo County Metropolitan Court collected $1,593,846.93 in its Trust Account for criminal and civil bonds.

In January 1990, the computerized calendaring system in the **Case Setting Division** became operative. The computer now automatically assigns Court dates based on space and officer availability, which is integrated into the system.

The Court instituted several temporary programs. Judges sacrificed one week of their civil rotations to handle backlogs and Judge Pro-Tempore Richard Traub was appointed to handle cases one week a month to assist the Court with its backlog. In September 1990, divisionalization was implemented; three judges were assigned to civil cases and another nine to criminal cases. Permanent assignment of cases began in September along with segregated dockets for DWI trials and combined jury/lawyer criminal dockets. A new extended hours Night Court commenced on September 10, 1990. Case Setting assigned approximately 40,000 cases for Traffic/Guilty Court, up from approximately 28,000 the year before, and estimates that over 55,000 cases will be processed in calendar year 1990.

During the 1989-90 fiscal year, there were 9,787 cases filed in the **Civil Division**, with 10,387 dispositions entered during this period. The acquisition of a computerized cash register eliminated the need for handwritten receipts on all transactions.

In calendar year 1989, the **Criminal Division** generated 23,626 case files. As of October 16, 1990, the Division opened 21,076 case files which is well above the number of cases opened during this time last year. In addition, the Division no longer sends copies of bench warrants to defendants and attorneys; this elimination is saving the Court approximately $1,500 per year in postage.

The **Educational Services Division** operates the DWI, Petty Larcency and Driver Improvement Schools with 12 highly-qualified instructors. The Community Service program allows defendants to liquidate their court-imposed debt by providing local governmental and other public service agencies a source of cost-free labor and facilitates community service as a sentencing option. During FY 78, over 9,000 defendants contributed 352,459.5 community service hours at a labor value in excess of $1,409,838.

During FY 78, the **Information Systems Section**: a) developed and implemented a disaster recovery plan which incorporates off site backups and a reciprocal site agreement with the City of Albuquerque; b) negotiated the purchase of an AS/400 minicomputer system to replace the IBM System/38, in use since 1982; and, c) developed an implementation schedule for the AS/400 system, including physical site preparation, applications migration and data migration.

The **Metropolitan Court Interpreter** provides Spanish/English in-court interpreting services for hearings, traffic court and as time permits, translates and transcribes court forms. From January 1, 1990 through September 30, 1990, 2,722 cases required interpreter services.

The major task of the **Personnel Division** has been learning the new HRS Program, implemented by State Personnel for use in payroll and benefit administration. The Assistant Court Administrator assisted in the comprehensive training for all supervisors to increase the effectiveness of the newly implemented appraisal process. Goals for the division include computerization, cross-training clerical staff as well as division heads, and increased overall training for all staff.

With additional funding from the City of Albuquerque and the County of Bernalillo, **Pretrial Services** provided expanded release coverage at the Detention Center, prepared in-depth background investigations for district court judges for use in setting conditions of release in felony cases, provided pretrial supervision of felony defendants to monitor their compliance with conditions of release and treatment, and provided bonding services nights, weekends and holidays when the courts are closed. These services facilitate more releases on bond.

A Metropolitan Court **Pretrial Diversion Program** was established within the Pretrial Services Division to divert first-time offenders to appropriate treatment programs. If the defendants successfully complete treatment or counseling and are not rearrested, their cases are dismissed. The initial, target defendants were those charged with domestic violence because many such defendants were being arrested for second and third offenses before they could be adjudicated on their first offense. This pilot experiment has proven successful. In the first month, June of 1990, over 35 cases were diverted. By the end of August, over 100 cases were referred for supervision and treatment. If adequately staffed in the future, this program can successfully divert all first offender domestic violence cases out of the Court's trial process. Presently, the Court is averaging between 300-400 new filings on domestic violence cases each month.

Over 5,000 defendants were referred to the **Probate Division** for the monitoring of restitution, direct probation referrals and pre-sentence reports. The division has maintained 1,000 to 1,300 defendants on supervised probation each month during FY 78. Referrals to the division have increased by 600 defendants since October 1, 1989. A probation officer appears at all

sentencings. Each officer attends approximately 35 sentencings per month, and a total of 48 interviews per month. In FY 78, $70,000 in probation cost fees were colleted through a computer program that prints monthly probation cost coupons, distributes the coupons to defendants and tracks payments. The **Volunteer-in-Probation Program** consists of 50 to 60 volunteers who supervise the majority of restitution cases referred. The number of defendants supervised rose from approximately 140 to 250 per month in FY 78, a 79% increase.

The **Violations Division** in conjunction with the Criminal Division, processes all misdemeanor citations and all traffic citations with the exception of DWI's and traffic arrests. The division is responsible for the data entry, including dispositions, full maintenance, and disposition and failure-to-appear reports to the Motor Vehicle Division. Summons and bench warrants are issued for failure to appear misdemeanors and the failure to pay cases. The division maintains probation logs and issues both summons and bench warrants for delinquent probation fees.

The Violations Division is also responsible for all revenues collected by the Court. Revenues include fines, bond forfeitures, correction fees, probation fees, school fees, court costs, crime lab fees, automation fees, mediation fees and civil fees. Total revenues received and deposited by the division for FY 78 were approximately $5.5 million.

Statistical Report 77th (1989-90) Fiscal Year

	CIVIL	MISD	PARKING	TRAFFIC	DWI	FELONY	TOTAL
Filings	9,787	129,083	12,694	192,488	7,493	1,994	353,539
Dispositions	10,387	54,744	22,969	135,818	8,950	1,994	234,862

Total RV-7 Suspensions Issued	73,137
Total TV-7 Suspensions Rescinded	55,141

Civil Cases Filed by Type	Under $2,000	Over $2,000	Total
Damages/Personal Injury	9	10	19
Property Damage	584	244	828
Forcible Entry and Detainer	53	11	64
Debt and Money Due	3,229	779	4,008
Contract	171	74	245
Bad Checks	220	12	232
Replevin	0	0	0
Back Wages	32	5	37
Other Damages	174	67	241
Restitution (Landlord/Tenant)	4,060	53	4,113
Totals	**8,532**	**1,255**	**9,787**

Educational/Community Services Division

Defendants Enrolled In:	Totals
Petty Larcency School	797
DWI School	2,800
Driver Improvement School	3,173
Motorcycle Safety School	115
Pet Owner Responsibility School	31
Victim's Impact Panel	1,132
Referred to Community Service	9,403
Community Service Hours Performed	352,459

Pretrial Services Division

Number of defendants arrested and booked on misdemeanor charges	28,511
Defendants not eligible for pretrial release	8,652
Defendants interviewed for possible pretrial release	20,520
Defendants interviewed and not eligible for release	13,077
Defendants interviewed and released	6,206
Public defender indigency interviews	21,514
Number of defendants interviewed on felony charges	3,729
Number of background investigations and in-court presentations on felony charges	2,011
Total misdemeanor and felony releases	8,685

Probation Division

Monthly average of clients on supervised probation	1,359
Probation terminations (successful)	1,911
Probation terminations (unsuccessful)	290
Monthly average of clients supervised by volunteer officers	177

Violations Division

Misdemeanor cases:		
	Filed	129,083
	Disposed	54,744
Traffic Cases:		
	Filed	192,488
	Disposed	135,818

OTHER JUDICIAL AGENCIES

SUPREME COURT LAW LIBRARY

The Supreme Court Law Library is governed by a board of trustees composed of all the justices of the Supreme Court. The board hires the Director (State Law Librarian) and oversees the general management of the library. The library is supported entirely from the general funds of the state. It is the state's central legal library, and provides oversight and guidance to the 32 district court law libraries. The library was the official state archives from 1931 to 1969 and currently retains much of that material. The State Law Librarian, Thaddeus P. Bejnar, is an ex officio member of the state Commission of Public Records and the Compilation Commission Advisory Board. During Fiscal Year 78, he was also the chairman of the State Bar's Library Committee.

Activity Highlights

Regarded as the primary mission of the library, **patron needs and requests** continued at a high level. Over fifty new patrons were registered; circulation, as measured by the card file, was slightly higher than last year, especially among periodicals. Complaints were up slightly as continued crowding necessitated several massive shifts in location and the transfer of additional material to the closed stacks in the basement.

Three minor bibliographies were completed in early FY 78, as well as an extensive update on the bibliography on Judicial Opinions.

Several classes in computer-assisted legal research were offered to judicial employees. These included use of CD/ROM as well as the use of LEXIS and WESTLAW. The library continues to offer intermediary services to aid in formulating search queries. Plans for the future include a three-week intensive course in advanced legal research for law clerks.

Photocopying by patrons remained high. The current vendor is supplying adequate service. The library anticipates the need to purchase more tables and shelving and to improve the lighting.

The library **book budget** suffered a reduction in the appropriation for supplements and the library cut treatise supplementation and new editions in FY 78. However, the library was able to overcome other budgetary limitations with a grant of training computer time equal to over $20,000.00.

The library has a full-time **staff** of seven. Training and assisting with computer research occupy a high percentage of staff time. An additional FTE legal research librarian could obviate some of the demand of district court judges for individual law clerks.

A project to inventory, index and box the state archive material and transfer it to Records and Archives was begun in January 1989 and is expected to be completed in February 1991.

The State Law Librarian visited six of the 32 district court law libraries, and provided additional consultation by letter and telephone.

The library has a six-year **automation** plan for an IBM compatible LAN system for circulation, public catalog, reference file, serial control and financial control. In FY 78 the first microcomputer was purchased under the plan. In early FY 79 citation checking and grammar checking programs were made available on PC's to the law clerks on the Supreme Court and Court of Appeals. The library continued full responsibility for the management of the computer assisted legal research program.

Long range plans for the Law Library include bibliography preparation, preparation of collection development policies and analysis, development of a library procedures manual, development and promulgation of district court law library standards, newsletters and development of other publications, and district court reference requests/information mailings. These projects will take extensive planning and correspondence time.

Summary

The law library is working to meet the national Standards for Appellate Court Law Libraries and the national Standards for County Law Libraries. This will require additional staff, further supplementation of all of its treatises, binding of all periodicals which are intended for the permanent collection, additional seating for its patrons, and improved search and retrieval systems. Increased management controls and training efforts are evidenced by high staff morale.

NEW MEXICO COMPILATION COMMISSION

The Compilation Commission is the publisher of laws enacted by the New Mexico Legislature, court rules, instructions and forms promulgated by the New Mexico Supreme Court, New Mexico Supreme Court and Court of Appeals Opinions and New Mexico Attorney General opinions. The Commission also has the responsibility of publishing several judicial benchbooks. The statutory functions and duties of the New Mexico Compilation Commission are carried out under the direction of a five-member advisory committee.

During the 1989-1990 fiscal year, New Mexico became the first state to have its laws available for search and retrieval using a personal computer CD/ROM drive. This new technology promises to increase the productivity of state and local government officials using the statutes and court opinions. It will also provide a valuable historical version of the NMSA 1978 and reduce costly space requirements for storage of the laws. The Commission's goal is not only to enhance the data bases on the CD/ROM, but to provide additional data bases of New Mexico law.

Sales of Commission publications continue to rise. Sale of the two CD/ROM versions of the NMSA 1978, known as "New Mexico Law on Disc", will significantly increase revenues; however, there will be a greater short-term increase in expenses for development of this new technology.

Court Opinions: There are two versions of New Mexico Law available: one with the NMSA 1978 only, and one with the New Mexico Supreme Court opinions issued since January 1965 and New Mexico Court of Appeals Opinions issued since November 1966. The version of New Mexico Law on Disc with court opinions is updated quarterly.

New Mexico court opinions are also available for on-line search and retrieval through one of three on-line computer services: Lexis/Nexis, Westlaw and LegalNet/Technet. All opinions published after July 1, 1987 are available through Technet/LegalNet at a lower on-line search and retrieval cost than is available through Westlaw or Lexis. From July 1, 1987 through June 20, 1990, more than 729 New Mexico Supreme Court and New Mexico Court of Appeals opinions were reformatted by the Commission and inserted into the LegalNet court opinion data base. During the July 1, 1989 through June 30, 1990 period, 231 opinions were added to this data base. This is the most current data base of New Mexico opinions available.

The Compilation Commission is also responsible for providing the State Bar with an ASCII copy of all court opinions for publication in the Bar Bulletin. The New Mexico Statutes Annotated, "NMSA 1978" is now available for personal computer search and retrieval of the laws in two versions.

Mew Mexico laws and court opinions are now printed on alkaline (acid free) paper. This paper not only lasts longer, but is less harmful to the environment.

Pages of Laws Published

	1983	1984	1985	1986	1987	1988	1989	1990
Session Law Pages	2130	1637	1812	1217	2785	1257	2911	1445
NMSA 1978 Supplements & Replacements	5514	5270	5090	4592	7443*	5274	5611	5118

*includes recompilation of rules.

Court Rules, Instructions and Forms: Through a contract with the Supreme Court, the Commission acts as staff for Supreme Court-appointed rules committees. Approximately 100 rule amendments and new rules were published by the Commission in the 1990 supplement to the NMSA 1978. All court rules, instructions and forms are submitted to The Michie Publishing Company for publication in the NMSA 1978. Rule amendments approved by the New Mexico Supreme Court between publication of NMSA annual printed supplements are also printed in the Advance Annotation and Rules Service and in the Bar Bulletin published by the New Mexico State Bar.

NMSA 1978: In addition to purchasing and distributing approximately 1,020 full sets of the NMSA, the Commission assembles and prepares instructions to keep more than 906 partial sets of the NMSA 1978 current. There are 36 difference types of partial sets at the present time. The Commission maintains a complete inventory of pamphlets and binders for public and private sale.

New Mexico Reports: The Commission serves as the exclusive source for the New Mexico Reports published by the West Publishing Company which includes all New Mexico Supreme Court and New Mexico Court of Appeals Opinions. One volume was published during the 1989-1990 calendar year.

Attorney General Opinions: The Commission serves as the exclusive source for bound Attorney General Opinions and indices. During 1989-1990, the Commission began preparing an index of the Attorney General Opinions of Attorney General Hal Stratton to facilitate the publication of these opinions during the 1991 calendar year.

Session Laws: The Commission assists in the publication of the Secretary of State's Session Laws. It is the goal of the Commission to assure delivery of the Session Laws to the Secretary of State within 30 days after the last bill is signed by the Governor.

Parallel Tables of the Laws: Until four years ago, a complete history of the laws was maintained in the parallel table data base on the University of New Mexico computer. The Commission is now looking at alternatives for new software to operate this data base.

JUDICIAL STANDARDS COMMISSION

The Commission has been in existence since June of 1968; it consists of two judges, two lawyers, and five lay members. The members serve without compensation other than reimbursement for mileage and per diem. Lay members serve five-year terms while the lawyer and judge members are appointed to four-year terms. The terms are staggered. The current members, appointing authorities, and expiration dates of terms are set out below:

Member	Appointed by	Terms Expire
Linda Atkinson Public Member Albuquerque	Governor	June 30, 1994
Position Vacant Public Member	Governor	
Hubert H. Quintana Public Member Roswell	Governor	June 30, 1991
Peggy C. Traver Public Member Albuquerque	Governor	June 30, 1992
Dr. Tyrone L. Hardy Public Member Albuquerque	Governor	June 30, 1993
W. Booker Kelly, Esq. Attorney Santa Fe	Board of Bar Commissioners	June 30, 1994
Betty Read, Esq. Attorney Albuquerque	Board of Bar Commissioners	June 30, 1992
Judge Stanley F. Frost District Judge Tucumcari	Supreme Court	June 30, 1991
Judge Rozier E. Sanchez District Judge Albuquerque	Supreme Court	June 30, 1993

Authority and Duties of the Judicial Standards Commission

Article VI, Section 32 of the Constitution of the State of New Mexico and Chapter 34, Article 10 of the New Mexico Statutes, authorize the Commission to investigate complaints that a judge has been guilty of willful misconduct in office, has persistently failed to perform or is unable to perform the duties of a judge, is habitually under the influence of intoxicating substances, or is suffering from a physical or mental disability which is of a permanent nature and which renders him incapable of performing his judicial duties.

Up to and including the formal hearing, the existence of an investigation is kept confidential by the Commission. Once the Commission recommendation is filed with the Supreme Court, its report is of public record. The Supreme Court sets a hearing on the Commission's recommendation and renders a decision adopting, denying or modifying the recommendation of the Commission.

At any time, up to the conclusion of a formal hearing, if the investigation shows there is no evidence to support the allegations against the judge, the investigation may be closed. If a judge resigns or fails to be reelected while an investigation is under way, the investigation will be closed since the Commission has no authority to recommend that a person who is no longer a judge be disciplined. In some cases the Commission has found evidence of wrong-doing by a judge but that the judge's actions were the result of misunderstanding rather than willful misconduct. In those situations the matter may be referred to the Supreme Court, or to a judge having supervisory authority, for counseling.

Complaints Received

During the 78th fiscal year, the Commission received fifty-eight complaints. The following chart shows the sources of the complaints and each type of judge against whom the complaints were made:

Caseload Report

Source of Complaint	78th FY 1989-90	77th FY 1988-89	76th FY 1987-88	75th FY 1986-87	74th FY 1985-86
Commission	2	0	5	2	2
Litigants	20	31	32	45	42
Citizens	6	0	2	3	2
Public Officials	6	3	6	1	6
Lawyers	2	5	3	4	6
Judges	2	2	4	1	0
Police	3	2	3	[illegible]	1
News Media	2	1	1	0	2
Anonymous	2	0	0	1	0
Prisoners	3	5	4	8	7
Criminal Defendants	7	5	8	-	-
Victims	0	1	1	1	3
Witnesses	0	0	0	1	0
Others	3	0	3	1	1
Total	**58**	**55**	**72**	**68**	**72**

Judge					
Supreme Court	0	1	5	0	0
Court of Appeals	1	0	0	0	1
District Court	21	30	33	32	28
Metropolitan Court	6	3	9	7	7
Magistrate Court	14	14	14	15	21
Municipal Court	12	7	15	14	15
Probate Court	2	0	0	0	0
Pro Tem	1	0	0	0	0
Candidate	1	0	0	0	0
Total	58	55	76	68	72

Caseload Report

Source of Complaint Dispositions	78th FY 1989-90	77th FY 1988-89	76th FY 1987-88	75th FY 1986-87	74th FY 1985-86
Out of Jurisdiction	20	18	28	16	29
Withdrawn	0	1	0	0	0
Investigated, Found Insubstantial	5	24	45	23	38
Remedial Disposition Referred to Supervising Court for Counseling or Handling	0	1	2	1	1
Professional Counseling Recommended	3	0	0	1	0
Judge Resigned, Not Reelected or Died	1	0	0	2	1
Informal Letter of Caution	3	7	9	5	9
Formal Hearing before Commission	7	3	5	5	2
Dismissed after Investigation	20	0	0	0	0

During the FY 78, disposition was made of fifty-nine cases. Of those, eleven were pending from the prior year and ten remained pending at the close of the year on June 30, 1990.

DISCIPLINARY BOARD OF THE SUPREME COURT

The Disciplinary Board is composed of 12 members, both attorneys and nonattorneys. The chairman of the board is Judy A. Fry; chief counsel for the board is Virginia L. Ferrara.

The board investigates complaints filed against attorneys and either dismisses a case at the staff level or dockets it for formal investigation. In the last year New Mexico joined the national trend (25 of 52 states) in opening the attorney disciplinary system to more public participation. Rule 17-104(A) now provides that each hearing committee assigned to hear disciplinary matters shall consist of two members of the bar and one non-lawyer public member. The board now has private citizens donating time to assist with this endeavor. As shown in the table below, there are a number of dispositions that may occur on a docketed case, from dismissal to disbarment.

Initial Contacts

Complaints Filed	697
Complaints Carried into 1989-90	93
Cases Actually Handled	790

Dispositions of Complaints

	Informal Action	Formal Action
Dismissed at Staff Level	570	
Docketed for Formal Investigation	135	135
Pending Determination as of June 30, 1990	85	
Cases Actually Handled	790	
Docketed Cases Carried into 1989-90		69
Total Docketed Cases		203

Disposition of Docketed Cases

Dismissed by Supreme Court After Hearing	0
Dismissed with a Letter of Caution	61
Dismissed w/concurrence of Reviewing Officer	24
Informal Admonition Issued	18
Formal Action	
Tried and Charges Not Sustained	0
Informal Admonition plus Costs (after Hearing)	0
Formal Reprimand by the Board	6
Informal Reprimand	1
Formal Reprimand Plus Probation	8
Formal Reprimand Deferred (w/Probation)	3
Public Censure by the Supreme Court	1
Public Censure Plus Probation	1
Suspension	12
Disbarred	2
Reinstatement Granted	2
Reinstatements Denied	1
Resigned (plus costs of proceeding in progress)	0
Deferred Suspension Plus Pay Fine to Court Plus Cost	1
Public Censure, Restitution, 30-day Suspension	2
Suspension Deferred/Probation	1
Probation then Informal Admonition	3
Dismissed by Supreme Court after Contempt Hearing	1
Total	148

Status of Remaining Docketed Cases

Under Investigation	22
Suspension Pending Disposition in Related Litigation	7
Before Reviewing Officer	6
Charges in Preparation	1
Charges Pending before Hearing Committee	18
Findings Pending Review by Disciplinary Board	12
Recommendations of Board Pending before Supreme Court	2
Total Docketed Cases Carried into 1990-1991	68

SUPREME COURT BUILDING COMMISSION

The Supreme Court Building Commission is composed of Chief Justice Dan Sosa Jr., Honorable Samuel Z. Montoya, ret., and Mr. John F. McCarthy. The Commission is responsible for the care, custody and control of the Supreme Court Building, its grounds and all furniture, fixtures and equipment used by judicial agencies housed in the building. Under the supervision of the building superintendent and his assistant, the maintenance and custodial staff perform the continuous duties of building repair and maintenance.

The Supreme Court Building was originally constructed in 1936, with a major annex completed in 1964. The Supreme Court, Court of Appeals (including the Prehearing Division), Administrative Office of the Courts, and the Supreme Court Law Library are located in the building. The building consists of approximately 72,000 square feet, and houses 120 employees.

The building superintendent and his staff have been actively involved in replacing defective equipment, repairing fixture, and the routine maintenance of the property, as well as making the building more energy efficient. Several offices have received new drapes, carpeting, fresh paint, ceiling fans, and storm windows. Balconies have been repaired. The east side of the building was re-roofed. Future plans include overlay of the parking lot and the installation a 25-ton compressor for the chiller. The goal of each project is to improve overall conditions of the building.

BOARD GOVERNING THE RECORDING OF JUDICIAL PROCEEDINGS

Members of the Board

Jennifer Bean-Alverson, President
Mark J. Klecan, Secretary/Treasurer
Michael W. Porter, Chief Trainer
William Gralow, Member
Justice Joseph F. Baca, Member
District Judge Frank H. Allen, Member
Lloyd Clem, Member

The Board Governing the Recording of Judicial Recordings is an agency of the Supreme Court supported by the Administrative Office of the Courts and governed by a private agency. The Board consists of seven positions and has the authority, under the supervision of the New Mexico Supreme Court, to make and promulgate reasonable rules and regulations governing the practice of court reporting within New Mexico.

To date there are 265 certified court reporters registered in the state of New Mexico. Examination for certification is mandatory and these tests are given four times per year by a Chief Examiner at a designated test site.

Of the 181 certified court monitors registered in the state of New Mexico in all the district courts, workers' compensation division and in private sectors, 47 of those are certified as both court monitor and court reporter The training and testing of these monitors are done by designated trainers in the district courts.

Activities

The Court Monitors Manual is in the final stages of revision. Under the supervision of the Board and with the technical assistance of the Administrative Office of the Courts, this manual will be used as a major tool in the training of court monitors.